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Our Secularist Democratic Party

Louis Bolce & Gerald De Maio

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The Three Faith Factors *John J. DiIulio, Jr.*

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Our secularist Democratic party

LOUIS BOLCE & GERALD DE MAIO

ANYONE who has followed American politics over the past decade cannot help but feel some concern about the supposed fundamentalist Christian threat to democratic civility, pluralism, and tolerance. At the very least, the attentive citizen would find it hard not to regard the cultural and political positions of fundamentalists as outside the mainstream, given the volume of media stories that have conveyed this point. At the same time, the media's obsession with politicized fundamentalism distracts public attention from the changing role of religion in political life today. In particular, the media overlooks the remarkable erosion of denominational boundaries that until a quarter century ago defined the religious dimension of partisan conflict, with Catholics, Jews, and southern evangelicals aligned with the Democratic party and nonsouthern white, mostly mainline Prot-

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This article is adapted from a paper presented at the 2001 annual meeting of the Southern Political Science Association in Atlanta, Georgia.

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estants forming the religious base of the Republicans. Also, the media mistakenly frames cultural conflict since the 1970s as entirely the result of fundamentalist revanchism. In so doing, the media ignores the growing influence of secularists in the Democratic party and obfuscates how their worldview is just as powerful a determinant of social attitudes and voting behavior as is a religiously traditionalist outlook.

Overlooking the big story

Consider, for example, the *New York Times*'s coverage of two high profile "religious issues" during the 2000 presidential campaign: the Bob Jones University controversy and the historic nomination of Joe Lieberman for the vice presidency. Between the South Carolina primary in February 2000 and the beginning of the Republican convention on July 31, the *Times* published over 125 articles, editorials, and op-eds discussing the Bob Jones scandal, which arose when candidate George W. Bush spoke at a fundamentalist college whose founder had expressed a strong antipathy to Catholics. The college had taught that Catholicism was a "cult" and, until shortly before, had prohibited interracial dating. In its coverage, the *New York Times* emphasized fundamentalist anti-Catholicism (and anti-Semitism), Religious Right intolerance, and efforts by Bush's opponents to alert Catholic voters about the Texas governor's cozy relationship with Christian fundamentalists. The clear implication of the *Times*'s coverage was that Christian fundamentalists, particularly white southern fundamentalists, felt animus toward Catholics, and that the association of fundamentalists with the Bush campaign would set back recent Republican gains among white Catholic voters. The trouble with this narrative, which recalls pre-Kennedy-era denominational antagonisms, is that it is incorrect.

Survey data from the 2000 American National Election Study (ANES), carried out by the Center for Political Studies (CPS) at the University of Michigan, reveal that the stereotype of Christian fundamentalist antagonism toward Catholics is nothing more than a specter from the past. The ANES survey results also indicate that white Catholic voters continued their shift toward the GOP, despite the sort of associations conjured up

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by the Bob Jones stories. Included in the ANES questionnaire are "feeling thermometers," a standard quantitative measure used by social scientists to assess intergroup enmity and amity. Feeling thermometers ask respondents to rate social groups and political leaders on a scale ranging from 0 degrees (extremely cold) to 100 degrees (extremely warm). A thermometer rating below 35 degrees (the average score that whites express toward illegal aliens) is commonly considered to reflect antipathy; scores above 50 degrees indicate varying degrees of warmth. The thermometer results show that white fundamentalists have positive feelings toward Catholics. Their score of 62 degrees was identical to the average score that Jews gave to Catholics and significantly warmer than the mean rating given to Catholics by the religiously nonaffiliated or by secularists.

Answers to the voting questions included in the same ANES study point to another fact about Catholics and fundamentalists that was wholly at odds with the tenor of the Bob Jones news stories. In the South, whites from both religious groups favored Bush over Gore with more than three-quarters of their ballots, and both were significantly more supportive of the Republican ticket than were mainline Protestants from the region. Though, nationwide, Catholics were not as supportive of Bush as were Christian fundamentalists, the 2000 election was the first time ever that white Catholics, still regarded by some election analysts as a mainstay of the Democratic party, gave a larger share of their votes to a Republican party presidential candidate than did white mainline Protestants, the traditional denominational pillar of the GOP. (The religiously liberal Episcopalians backed Gore with two-thirds of their votes in the 2000 election and have voted against every Republican presidential ticket since 1992.) During the 2000 election cycle, the *Times* provided its readers with plenty of tidbits about Bob Jones III's father's archaic view of the Vatican (as well as the changing status of interracial dating on the Bob Jones campus), but offered not a scrap of information about this historically significant inversion of the denominational base of the two major parties.

In early August 2000, when Al Gore selected Joe Lieberman as his running mate, the *Times* and other major newspapers and magazines published a flurry of stories about fears ex-

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pressed by Democrats (typified by then Democratic National Chairman Ed Rendell) that the Lieberman nomination might stir up latent anti-Semitism and lead to negative voting against the party's presidential candidate by retrograde southern evangelicals. As it turned out, these apprehensions were unwarranted. Lieberman's Jewish identity was a nonissue. ANES thermometer data offer strong empirical evidence about why Lieberman's religious affiliation didn't hurt Gore in the election, particularly among evangelical and fundamentalist Christians. The average rating white Christian fundamentalists gave to Jews was a warm 66 degrees, a finding consistent with ANES surveys reaching back over a decade. It was no different from the mean ratings that Catholics and mainline Protestants gave to Jews. Among respondents who could correctly identify both Lieberman's and Gore's religious affiliation, Christian fundamentalists felt significantly warmer toward Lieberman (56 degrees) than toward Gore, a Southern Baptist (42 degrees). Disapproval of Lieberman came not from Christian fundamentalists but from secularists, who complained that his public professions of faith and piety blurred the line between religion and politics, and from cultural conservatives who suspected that Lieberman's post-convention stances on issues like partial-birth abortion and school vouchers were more in tune with the secularist tilt of the Democratic party than with his pre-convention positions, thought to be anchored in his religious orthodoxy.

By focusing on supposed denominational conflicts that had in fact diminished, the *Times*'s coverage of the 2000 election overlooked the more significant religious divide in the electorate—that between the religious and nonbelievers. And by concentrating on the threat of politicized evangelicism, the *Times* ignored secularists' increased importance to the Democratic coalition and agenda since the 1970s, and their pivotal role in fomenting the culture wars and spurring the religious realignment of the electorate.

The origins of the culture wars

The "culture wars" is the controversial metaphor used to describe the restructuring of religious and cultural conflict in

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the United States since the 1960s. The thesis is most closely associated with sociologist James Davison Hunter, whose 1991 book *The Culture Wars* posited that "the dominant impulse at the present time is toward the polarization of a religiously informed public culture into distinct moral and religious camps." Hunter called these camps "orthodox" and "progressivist." On the orthodox side are persons who locate moral authority in a transcendent source, such as God or the Bible. Orthodox morality, according to Hunter, adheres to an absolute standard of right and wrong and is based on universalistic principles. Progressivists, in contrast, embrace a humanistic ethic drawn from reason, science, and personal experience. Progressivist moral rules are "loose-bounded," pluralistic, and relative to circumstance. This new cleavage cuts across the major American faith traditions and most denominations.

The two groups in the front lines of the culture wars are evangelical Christians, including fundamentalists, characterized by their high levels of religiosity and conservative attitudes on cultural issues, and secularists, who reject traditional religious values and tend to espouse liberal views on cultural and church-state issues. Much has been written in the popular media about the traditionalist side and its alignment with the Republican party since the 1980s. Although considerable attention has been devoted to religious and cultural conflict in American political life, few in the mainstream media have acknowledged the true origins of this conflict—namely, the increased prominence of secularists within the Democratic party, and the party's resulting antagonism toward traditional values.

Secularists first appeared as a political force within a major party at the 1972 Democratic National Convention. Prior to then, neither party contained many secularists nor showed many signs of moral or cultural progressivism. Moreover, prior to the late 1960s, there was something of a tacit commitment among elites in both parties to the traditional Judeo-Christian teachings regarding authority, sexual mores, and the family. This consensus was shattered in 1972 when the Democratic party was captured by a faction whose cultural reform agenda was perceived by many (both inside and outside the convention) as antagonistic to traditional religious values. The politi-

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cal scientist Geoffrey Layman has defined this block, the largest in the party, as "secularists,"—that is, self-identified agnostics, atheists, and persons who never or seldom attend religious services. Over a third of white delegates fit this description, a remarkable figure considering that, according to James Davison Hunter, only about 5 percent of the population in 1972 could be described as secularists.

Layman's research was based on the 1972-92 Convention Delegate Survey (CDS), the most comprehensive study to date of the political attitudes and religious orientations of national party convention delegates. Analyses of the 1972 CDS dataset by Jeane Kirkpatrick, and more recently by Layman, show that degree of religious commitment was among the most important characteristics distinguishing supporters from opponents of the progressivist planks in the platform relating to women's rights, abortion, alternative life styles, and the traditional family. Secularists strongly favored the progressivist positions; religiously traditional Democratic delegates opposed them. The differences over policies and candidates between traditionalist and secularist Democrats had less to do with disagreement over the future course of New Deal liberalism than with the divergent moral outlooks animating their competing worldviews.

The religious and cultural cleavages that roiled the Democrats in 1972 were nonexistent at the Republican convention, where mainline Protestants still dominated. The GOP platform that year merely reiterated cultural positions the party had endorsed in past platforms, for example, support for school prayer *and* the Equal Rights Amendment. The Republicans, by default more than by overt action, became the traditionalist party. "The partisan differences that emerged in 1972," writes Layman in his book *The Great Divide*, "were not caused by any sudden increase in the religious and cultural traditionalism of the Republican activists but instead by the pervasive secularism and cultural liberalism of the Democratic supporters of George McGovern."

Secularists vs. the faithful

The 1972 Democratic convention set in motion a political dynamic that continues to the present. The ascendancy of secularists in the Democratic party had long-term consequences

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for the relative attractiveness of each party for members of different religious groups. The Democratic party became more appealing to secularists and religious modernists and less attractive to traditionalists. The secularist putsch in the Democratic party had the opposite effect on its rival, which over time came to be seen as more hospitable to religious traditionalists and less appealing to more secular Republicans. What was at first an intraparty culture war among Democratic elites became by the 1980s an interparty culture war.

Interparty religious polarization was very apparent in the composition and attitudes of the delegates attending the 1992 Democratic and Republican conventions, events that launched what is now recognized as the first electoral culture war. According to CDS, 60 percent of first-time white delegates at the Democratic convention in New York City either claimed no attachment to religion or displayed the minimal attachment by attending worship services "a few times a year" or less. About 5 percent of first-time delegates at the Republican convention in Houston identified themselves as secularists, a figure that had not budged for 20 years. Between 1972 and 1992, the percentage of nominal mainline Protestants among first-time Republican delegates declined from over one-third to one-fifth, while the proportion of religiously committed evangelical and fundamentalist delegates in this group tripled to 18 percent. Two-thirds of white Republican delegates attended religious services at least once a month, while only two of five white Democratic delegates demonstrated that level of commitment to their faiths.

Increased religious polarization can also be seen in the way Democratic and Republican delegates view various core constituent groups of the opposing party. Democratic and Republican activists in the CDS surveys were significantly more negative toward groups associated with the newer religious and cultural divisions in the electorate than toward groups associated with older political cleavages based on class, race, ethnicity, party, or ideology. In 1992, the average thermometer score of Republican delegates toward union leaders, liberals, blacks, Hispanics, and Democrats, for example, was 17 degrees warmer than their mean score toward feminists, environmentalists, and prochoice groups (44 degrees versus 27 degrees, respectively).

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Similarly, the mean thermometer score of Democratic delegates that year was 21 degrees warmer toward conservatives, the rich, big business, and Republicans than their average score toward prolife groups and Christian fundamentalists (34 degrees versus 13 degrees, respectively). Of the 18 groups tested by CDS, the most negatively rated group was Christian fundamentalists. Over half of Democratic delegates gave Christian fundamentalists the absolute minimum score they could, 0 degrees, and the average Democratic thermometer score toward this religious group was a very cold 11 degrees.

A house divided

To discover the extent to which the new religious cleavage has expanded beyond party activists into the electorate, we classified ANES respondents according to their attitudes toward scriptural authority and their levels of religiosity. Persons who did not exhibit the minimum of religiosity (i.e., those who rejected scriptural authority, had no religious affiliation, never attended religious services or prayed, and indicated that religion provided no guidance in their day-to-day lives) were coded as secularists. Respondents who exhibited the highest levels of faith and commitment (i.e., those who prayed and attended religious services regularly, accepted the Bible as divinely inspired, and said that religion was important to their daily lives) were coded as traditionalists. Persons who fell between these poles were classified as religious moderates. In 2000, about two-thirds of respondents fell into this last category, with the remaining respondents divided about evenly between secularists and traditionalists. (Since the culture wars are largely a clash in values among whites, we confined our analysis to white respondents in the ANES surveys.)

Answers to ANES surveys covering the past three presidential elections highlight two important aspects about the secularist worldview. First, it is associated with a relativistic outlook. Two-thirds of secularists in each of the surveys agreed with the statement that "we should adjust our views of right and wrong to changing moral standards," a perspective on morality with which traditionalists overwhelmingly disagreed. And second, secularism is no less powerful a determinant of

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attitudes on the contentious cultural issues than is religious traditionalism. In most instances, secularists consistently and lopsidedly embraced culturally progressivist positions. Traditionalists generally lined up on the opposite side, and religious moderates fell in between. Secularists were most distinct with respect to the coolness they displayed toward the traditional two-parent family, their greater tolerance of marital infidelity, and their intense support for the prochoice position on abortion. Seven of ten secularists opposed any law restricting a woman's right to abortion, while majorities of moderates and traditionalists favored some restrictions on abortion. For example, over three-quarters of moderates and traditionalists approved of parental-consent laws and the banning of partial-birth abortion.

Secularists also distinguished themselves from moderates and traditionalists by the antipathy they expressed toward Christian fundamentalists (38 degrees on the thermometer scale) and their belief that the involvement of religious groups in politics is divisive and harmful for society. Traditionalists, on the other hand, were out of sync with the rest of the public with regard to their restrictive attitudes toward legalized abortion—most either wanted to ban the procedure altogether or favored limiting it to narrow circumstances such as rape, incest, or when the woman's life is in danger. Moreover, while most traditionalists favored allowing gays to serve in the military, they were distinct from the rest in their strong opposition to gay adoption.

Studies based on ANES survey data also show that the cultural attitudes of the electorate have become more polarized since the 1980s. But contrary to conventional wisdom, this increased cleavage had less to do with traditionalists becoming more conservative than with secularists (and to a lesser extent, religious moderates) embracing the progressivist positions held by liberal elites.

These sharp differences in moral and religious perspectives help to explain why religiously polarized party evaluations and voting behavior shot up during this period. In its election surveys, ANES includes an open-ended question: "Is there anything in particular that you like or (dislike) about the Re-

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publican or Democratic party?" Answers to these questions, which permit respondents to volunteer their own reasons for making judgments about a political party and its presidential candidates, show that cultural and religion-based evaluations have increased since the first Clinton election. Moreover, during this time span secularists and traditionalists have voiced mirror-opposite "likes" and "dislikes" about the parties' stances toward "religious people," the "Christian Right," "abortion," "gay rights," "school prayer," and other cultural concerns. In the 2000 ANES survey, for example, secularists were nearly four times more likely to volunteer religion-based dislikes about groups and positions associated with the Republican party than were traditionalists, who in turn were four times more likely to voice cultural or religious reasons for disliking the Democratic party.

Secularists and traditionalists not only view the parties differently, but have increasingly become important voting blocs in the Democratic and Republican parties, respectively. One team of political scientists characterized the 1992 election alternatively as "the Year of the Evangelical" and the "Year of the Secular." The vote distribution of ANES respondents who indicated that they backed a major-party presidential candidate in the 1992 election supports this assertion. Secularists gave Clinton over three-quarters of their vote, while traditionalists favored President Bush over Clinton by a margin of two to one. This polarized voting pattern continued through the 2000 presidential election.

In terms of their size and party loyalty, secularists today are as important to the Democratic party as another key Democratic constituency, organized labor. In the 2000 election, for example, both secularists and union members comprised about 16 percent of the white electorate, and both backed Gore with two-thirds of their votes. The religious gap among white voters in the 1992, 1996, and 2000 presidential elections was more important than other demographic and social cleavages in the electorate; it was much larger than the gender gap and more significant than any combination of differences in education, income, occupation, age, marital status, and regional groupings. The importance of evangelicals to the ascendancy of the Republican party since the 1980s has been pointed out ad nauseam by media elites. But if the GOP can be labeled

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the party of religious conservatives, the Democrats, with equal validity, can be called the secularist party.

The anti-fundamentalist voter

The increased religious polarization of the electorate has given rise to a new type of voter: the *anti-fundamentalist*. We discovered this when we examined one group of ANES respondents: those who rated Christian fundamentalists 35 degrees or below on ANES's scale. We wanted to find out whether elite hostility to Christian fundamentalists, clearly apparent in the convention delegate surveys, had filtered into broader segments of the public. In ANES's 2000 survey, about a quarter of white respondents met the anti-fundamentalist criterion, rating fundamentalists 35 degrees or below. For comparison purposes, only 1 percent felt this antagonistic toward Jews and about 2.5 percent expressed this degree of hostility toward blacks and Catholics. ANES results indicate that anti-fundamentalism appears disproportionately among secularists, the highly educated, particularly those living in big cities, and persons who strongly favor legalized abortion and gay rights, oppose prayer in schools, and who, ironically, "strongly agree" that one should be tolerant of persons whose moral standards are different from one's own.

The results indicate that over the past decade persons who intensely dislike fundamentalist Christians have found a partisan home in the Democratic party. Clinton captured 80 percent of these voters in his victories over President Bush in 1992 and over Senator Robert Dole four years later; Gore picked up 70 percent of the anti-fundamentalist vote in the 2000 election. One has to reach back to pre-New Deal America, when political divisions between Catholics and Protestants encapsulated local ethno-cultural cleavages over prohibition, immigration, public education, and blue laws, to find a period when voting behavior was influenced by this degree of antipathy toward a religious group.

Yet it is not just their loyalty that makes anti-fundamentalists important to the Democratic coalition, but also the contribution they make to the total Democratic vote. According to ANES survey results, over a quarter of Clinton's white supporters in 1992 said that they intensely disliked Christian fun-

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damentalists; in both 1996 and 2000, about a third of the total white Democratic presidential vote came from persons with these sentiments. During this era of religious polarization, Democratic presidential candidates have never captured a majority of the three-quarters of the white electorate who do not feel antipathy toward Christian fundamentalists. As a result, gaining solid support from anti-fundamentalist voters has become crucial to achieving victories at the national level. The upshot of these voting trends is that the Democrats today face electoral liabilities analogous but opposite to those of the Republicans. Just as Republicans need to win the evangelical-fundamentalist vote without scaring off religious moderates, so too must Democrats mobilize secularists and anti-fundamentalists without becoming too identified in public discourse as the party hostile to religion. Whether, and to what extent, people become aware of the increased influence of secularists in the Democratic party (or the importance of religious traditionalists to the GOP) depends, of course, on how the mainstream media chooses to present the new religious divide in the electorate to the public.

Media spin

What would Americans have learned about the new religious divide, arguably the most important development in the American party system over the two past decades, had they gotten their information exclusively from two prominent newspapers, the *New York Times* and the *Washington Post*? What would readers have discovered, for example, about the importance of secularists to the Democratic party, or the bearing of religiosity on abortion attitudes?

To find out, we identified (using the Lexis-Nexis database) every domestic political news story, editorial, and op-ed piece published by these newspapers between 1990 and 2000 in which the keywords "secular," "unchurched," "nonreligious," or "nonbeliever" (henceforth referred to as secularists), and "Democrat" appeared. We also read every political news item in which the keywords "evangelical" or "fundamentalist Christian" and "Republican" turned up in the Lexis-Nexis database for the *Times* and the *Post*. These 11 years mark the height of the culture wars, from the controversial 1992 Republican Na-

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tional Convention through the religiously polarized elections of the Clinton era and Bush vs. Gore.

Most Americans do not get their political information directly from either the *Post* or the *Times*; rather, they get it from television. But many media analysts, among them Michael Kelly and Edward Jay Epstein, have written about the influence of the *Times* and the *Post* in shaping the perspectives of other media. The importance of these two newspapers is aptly summarized by former CBS correspondent Bernard Goldberg: "Many TV journalists simply don't know what to think about certain issues until the *New York Times* and *Washington Post* tell them what to think. Those big, important newspapers set the agenda that network news people follow." At the very least, these papers' coverage of religion in politics can be considered bell-weathers of elite understandings of the religious divide in the electorate.

If the amount of coverage devoted to a topic can be viewed as a rough barometer of how a newspaper views its importance, then it appears that the importance of the religion gap paled when compared to other cultural or demographic cleavages in the electorate. Between 1990 and 2000, the *Times* and the *Post* published a total of 14 stories that pointed out that the Republican and Democratic parties were split along a traditionalist-secularist divide. Readers of the *Times* and *Post* were more than twice as likely to find news accounts about clashes between religious traditionalists and moderates within the Republican party than stories about religious divisions between Republicans and Democrats.

The minimization of the religious divide between the parties is also apparent when compared to the amount of press attention devoted to other "gaps" in the electorate. During this same time span, the *Times* and *Post* published 392 articles on the gender gap. In the 1992, 1996, and 2000 presidential elections, white women on average gave Democrats 9 percent more of their vote than did white men; the average gap separating secularists and religious traditionalists in these same elections was 42 percentage points.

That the *Times* and the *Post* paid relatively little attention to the increased religious polarization of the electorate does not mean that these newspapers wholly ignored the religious

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factor in political conflict. What they overlooked was the active role played by secularists. We compared the number of news stories appearing in the *Times* and the *Post* between 1990 and 2000 that identified evangelical or fundamentalist Christians as supporters of the Republican party with the number of stories that identified secularists as supporters of the Democratic party. We also compared the number of stories that identified fundamentalists and evangelicals as being pro-Republican and opposed to abortion with the number of stories that identified secularists as being prochoice and pro-Democrat.

The most striking finding to emerge from these comparisons is the paucity of news stories and commentaries that identify secularists or the secularist outlook with the Democratic party, particularly when contrasted to the large number of stories and editorials in both papers about the Republican party's relationship with evangelical and fundamentalist Christians (43 stories and 682 stories, respectively). During this period of increased party polarization along a secularist-traditionalist divide, readers were 16 times more likely to encounter a story about evangelical-fundamentalist clout in the GOP than to find one about secularist clout in the Democratic party. There were more stories published by the *Times* about the influence of evangelicals in the Republican party in 1992 alone (93 stories) than were published by both the *Times* and the *Post* throughout the entire decade about the importance of secularists to the Democratic party (43 stories).

We found a similar imbalance when we selected stories that associated a fundamentalist or secularist outlook with both a stance toward abortion and a party identification (283 stories versus 16 stories). The skewed coverage, most pronounced during election years, also extended to other issues and controversies—delegates at national party conventions, prayer at football games, partial-birth abortion, school vouchers, gay adoption, judicial or cabinet nominees, and special-purpose activist groups such as the Christian Coalition or People for the American Way. If a general worldview was mentioned in the story, the *Post* and the *Times* overwhelmingly emphasized Christian fundamentalism and missed the secularist side to the story. The impression conveyed by both newspapers is that traditional religious beliefs motivate people to oppose abortion,

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back conservative Republican candidates, support conservative social movements, and adopt intolerant attitudes, but that a modernist or secularist outlook apparently has little or no connection to the reasons why someone supports abortion rights, opposes vouchers, joins culturally progressivist organizations, expresses antipathy toward evangelical Christians, and votes for liberal Democratic candidates.

Broadcast news coverage during the 1990s was no better. According to our analysis of network news programs selected from abstracts from the Vanderbilt University Television News Archive, viewers were given a very lopsided picture of the increased religious polarization in the electorate. While someone who caught the TV news every night would have found out plenty about the political identities and policy preferences of evangelical and fundamentalist Christians, that same viewer would have heard nothing about the increased importance of secularists in the Democratic party. We could not find a single story pointing to the tendency of secularists to vote for Democratic candidates or about their participation in culturally progressive activist groups and support for socially liberal policy positions. Most of the TV news stories about religion and partisan politics (with the exception of those about the black church) focused on the influence of evangelicals and the Religious Right in the Republican party, conflicts between fundamentalists and moderates inside the GOP, or the involvement of the Religious Right in policy disputes over abortion, gay rights, and education. Three-fifths of all television news stories mentioning evangelicals or Christian fundamentalists identified members of these religious groups as the Religious Right, half identified them as Republican, more than a third indicated their opposition to abortion, and over a quarter contained themes that implied that evangelical and fundamentalist Christians are intolerant.

Studies by public-opinion researchers have shown that the news media powerfully shapes the way the public views social groups. And thus it is not surprising that ANES survey results indicate that the more attention a person pays to the national political news media, and especially to television news, the more likely is that individual to believe that Christian fundamentalists are ideologically extreme and politically militant.

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Those who read and watch national news media are also more likely to conflate evangelicals and Christian fundamentalists with Religious Right organizations and to make voting decisions and judgments about public-policy issues based on the antipathy they feel toward both these groups. For many people today, how they view evangelicals and fundamentalist Christians depends, in large measure, on how they view Pat Robertson or the Christian Coalition. This despite the research by sociologists Andrew Greeley and Michael Hout showing that 86 percent of fundamentalists oppose various aspects of the Religious Right's political agenda.

Explaining media silence

The survey results reported in this essay show that the public has been politically divided over religion since the 1980s. Moreover, this new religious cleavage occurs more often between secularists and traditionalists than between denominations. But despite the reams of data documenting the alignment of secularists with the Democratic party and the countermovement of religious traditionalists into the Republican party, the media, particularly network news, has tended to emphasize only the latter phenomenon.

The imbalance in their coverage has been strikingly apparent on election nights, during the segments devoted to analyses of exit-poll results. Since the 1980 election, viewers have heard about the born-again Christian or Christian fundamentalist vote. Beginning in 1992, "Religious Right" became a category for election-night analysis, along with such staples as gender, income, race, region, and age. What viewers do not hear about is the secularist vote, which has gone two to one in the Democratic direction in the past three presidential elections. Why this silence about an identifiable segment of the public that has become key to Democratic electoral competitiveness?

One explanation involves the difficulties journalists might have in taking notice of an outlook that is so close to their own. Survey research indicates that professionals who work in news organizations, compared to the larger public, are more highly educated and cosmopolitan, much more likely to vote Democratic, appreciably more liberal ideologically and culturally, and less likely to be religious. In their study *The Media*

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Elite, Robert Lichter and his associates found that one of the most distinctive characteristics of the media elite "is its secular outlook." Half of the journalists they surveyed claimed no religion and more than eight of ten never or seldom attended religious services. Taking secularist views for granted, journalists may not see secularism as a distinct ideology or think secularists are definable as a political category.

Yet "soccer moms" is a rather loosely defined political or sociological construct—certainly more so than "secularist"—but this did not stop the *Times* and *Post* from publishing over 50 articles during the 2000 election season about the potential electoral impact of this group of voters. Anyway, as we have seen, survey results show that secularism *does* embody a distinct moral and sociological outlook and that it influences voting preferences. Moreover, just because an organized group does not publicly identify itself as "secularist" does not mean that it lacks a secularist worldview on contentious cultural issues. People for the American Way, for example, is most often characterized in press accounts as a civil-liberties and civil-rights group, rarely as a secularist organization. But a visit to the organization's website shows that its cultural agenda is the mirror opposite of the Christian Coalition's.

A second possibility has less to do with how journalists perceive secularists than with their view of traditionalists. According to the Williamsburg Charter poll of mass and elite opinion on church-state issues, a majority of television news directors and newspaper editors polled in the survey felt that evangelical and fundamentalist Christians had "too much power and influence" and a third thought both religious groups were a "threat to democracy." In contrast, not one of the media elites sampled in this survey perceived secularists as threats, and only 4 percent thought nonbelievers and secularists had too much influence over public life. From such a perspective, political activism by religious conservatives no doubt appears to endanger the wall of separation between church and state, and therefore warrants intense scrutiny.

The party of irreligion?

Over the past few decades, political conflict rooted in religious values has been framed as a clash between religious

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conservatives and the rest of America. This paradigm has fit comfortably with the secular outlook of journalists and with a strain in American culture that historically has viewed moralistic religious movements with suspicion. To portray secularists as ideologically distinct and as aggressive political actors would be to shift the landscape dramatically. It might serve to legitimize the political involvement of religious traditionalists, and it might also have negative consequences for journalists' favored groups and causes.

Specifically, a public conversation about the overarching ideologies of each party could lead to connotations harmful to the Democrats. Just as the Republican party has labored under the charge of being "hijacked" by fundamentalists, so too could the Democrats in equal fairness be tagged as the party sympathetic to irreligionists, a group that historically has been viewed more negatively than moralistic evangelicals. As Tocqueville observed more than a century and a half ago, an unbeliever in America, particularly one in public life, would be wise to keep his unbelief silent, lest "everyone shuns him and he remains alone." Tocqueville wrote these comments when America was less secularized and a generalized Protestantism pervaded the public culture. Yet his admonitions are no less pertinent in contemporary America. In a national poll conducted in March 2002 by the Pew Research Center for the People and the Press, more than half of the respondents expressed unfavorable feelings toward "nonbelievers," almost twice the number that felt unfavorably toward the "Christian conservative movement."

As the manifold displays of public piety in the aftermath of September 11 demonstrate, there is a reservoir of support for shared affirmations in the public square of America's historic relationship with God. Media elites are no doubt aware of American religiosity and implicitly understand the political ramifications of characterizing the Democrats as the partisan home of secularism. Perhaps it is for this reason more than any other that we do not hear in election-night analyses and postmortems that Democratic candidates have shorn up their base among the unchurched, atheists, and agnostics, in addition to the ritualistic accounts and warnings about how well Republicans are doing with evangelicals or the Christian Right.

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Do we need the census race question?

NATHAN GLAZER

A FEW years ago, asked to comment on the controversy over the demand of so-called multiracial advocacy groups for a "multiracial" category in the census, I made a brash and wildly unrealistic proposal. I will describe the proposal in a moment, but first I will explain what I find troublesome about the existing questions on race, Hispanicity, and ancestry in the census. By the 1990 census, these questions had evolved in a way that, to my mind, was false to American racial and ethnic reality. Also, as formulated, they were incapable of eliciting coherent responses, to the extent that coherence is possible in a census.

The census short form is the official government document probably seen by more Americans than any other, surpassing in the extent of its distribution even income-tax forms. The census asks them first for name, sex, age, and family status,

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A footnoted version of this essay will appear in The New Race Question, *edited by Joel Perlmann and Mary C. Waters (Russell Sage Foundation, 2002).*

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but then it turns to its principal concern: their "race." Here it goes into the greatest detail, down to whether they are Samoan or Guamanian, and, if they are Hispanic, what kind of Hispanic they are—whether they are Argentinean, Colombian, Dominican, Nicaraguan, or even Spanish. (These distinctions appear in the examples provided in the 1990 census.)

The census contains a message to the American people, and like any message it educates them to some end: It tells them that the government thinks the most important thing about them is their race and ethnicity—ethnicity, that is, if they are something called "Hispanic." These matters appear to be more important than how educated Americans are, whether they are citizens, whether they are foreign-born, or whether they voted in the last election. Scholars and researchers who work on race in America know why these questions are asked in such detail. Do the American people know? And if they do not—and it is hardly likely they are fully briefed on the legislation, regulations, politics, and the pressures that have made the census form on race and Hispanicity what it is—what are they to conclude?

The census is supposed to give us a portrait of America. But is this what America looks like? Is race so important a part of America that it deserves such prominence and such detail?

This miseducation is only the first reason I find the treatment of these matters objectionable. The second is that these questions try to impose on identities in flux—not all, of course, but many—a fixed categorization. Many people cannot place themselves in the various categories, which require all sorts of manipulations by the professionals of the census before the results can be presented to Congress, the press, and the American people. There is, of course, a substantial degree of error in these final figures, which are never rounded to indicate their uncertainty. Nor, in contrast to public-opinion polls, are they presented with any indication of their degree of error. And yet questions about race and ethnicity have many similarities to public-opinion polls about attitudes. Both involve a degree of subjectivity not found in more straightforward questions about age, amount of schooling, or a variety of other topics on which respondents are pretty clear.

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A third reason why I find the census questions on race objectionable is simply their irrationality. Why does Hispanicity include people from Argentina and Spain—but not from Brazil or Portugal? Are there really so many races in Asia that each country should consist of a single and different race, compared to simply "white" for all of Europe and the Middle East? Why indeed do people of Spanish origin merit special treatment, as opposed to people from Italy, Poland, or Greece?

Two simple questions

All this is familiar. And so I made my proposal. I will confess, as will be obvious, that underlying the proposal was an ideological or political position—just as underlying the present census arrangements are ideological and political positions. My position was that it is necessary and desirable to recognize and encourage the ongoing assimilation of the many strands that make up the American people into a common culture. I realize that it is a delicate task to draw a line between recognition—which is what the census should do—and encouragement, which should not be part of the census. But any form of recognition or nonrecognition is also a form of encouragement or dissuasion. One encourages what one recognizes, and dissuades what one does not. My proposal also followed from my interest as a social scientist in recording the progress of this change, which has been continuous in American history, affecting all groups in different degree, though tragically leaving aside, for most of our history, American blacks.

So then, my brash and unrealistic proposal: I proposed reducing the mishmash of race, Hispanicity, and ancestry (which is asked for in the long form, but not the short) into two main questions. One question would determine whether a person considered himself black or African American. That would remain the only race for which the census requested information. A second question or group of questions would ask in which country that person was born, and in which country his parents were born, and could be extended to ask where that person's grandparents were born. These questions on parents' and grandparents' country of birth would be fill-in-the-blanks.

Why the interest in only one race? The census has counted blacks, slave and free, since the first census of 1790. History

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alone and the virtues of continuity would make a claim that that determination be continued. But there are, of course, far more potent reasons. This is the group that has suffered from prejudice, discrimination, and a lower caste status since the origins of the Republic. In law, all this is now thankfully overcome and does not exist. But African Americans, despite their presence in large numbers from our country's earliest origins, are less integrated in American society than any other large group. They are more segregated residentially. Their rate of intermarriage, even if rapidly increasing, is the lowest for any minority. Moreover, they have a clear sense of their identity. When they answer the race question, one can depend on a high degree of reliability in the answer, as census research has shown.

The second question or group of questions would replace the Hispanic ethnicity and ancestry questions because of the rapid rate of assimilation of these groups into American society. These questions need only inquire as far as the parental generation, and possibly the grandparental, because by the third generation and certainly the fourth, the mix of ethnicities is extensive. Such a revised set of questions would indicate that the census and the government are not interested in group characteristics in the third generation and beyond. With intermarriage rates in new nonblack immigrant groups at about 30 percent, we assume that by the third generation assimilation has progressed to the point where identity is mixed and fluctuating. At that point, ethnic identity has become largely symbolic. We leave the question of what that identity consists of to sociologists such as Richard Alba and Mary Waters who have studied the nature of ethnic identification in these later generations. The census thereby gets out of the business of trying to affix a single ancestry to each American.

Whether or not one thinks that each of the peoples of Asia form a distinct race, or that it is important to differentiate among them, the second group of questions would provide us with the information we want. Information on the country of one's birth and one's parents' birth would encompass all the immigrants from that country and their children. It would do almost as good a job of counting Koreans, Filipinos, or Asian Indians, as a question asking for their "race." There are not,

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after all, many in such groups of the third generation, owing to the recency of their immigration. And by the time there is a substantial third generation of the post-1960s wave of immigrants, many will be of mixed ancestry, and the question of their racial identity will be left to them. Intermarriage statistics suggest the same for Latinos, the great majority of whom are now immigrants and their children.

Problems remain regarding American Indians, Alaskan natives, Hawaiians, and part-Hawaiians. All these groups have a distinctive legal status, in contrast to immigrants and their descendants. But there are important legal means, independent of the census, for determining who belongs to these groups. It is this legal status that determines their eligibility for the benefits or rights to which they may be entitled, not how they answer the race question in the census. I can see the utility of specific questions beyond those I have suggested for Hawaiians and Alaskan natives. But I do not think that 280 million Americans have to be troubled to determine the numbers of these very small groups outside these states.

I will point to one virtue of questions on birthplace and parental birthplace today, as against the same questions during the last great wave of immigration: Then, most immigrants came from Europe, where many ethnic groups could be found within the boundaries of great multi-ethnic empires, and birthplace revealed little about ethnicity. In addition, the boundaries of Eastern Europe have been radically recast three times in the last century, and European immigrants and their children could be properly confused as to which country they were born in. In which country was one born if one was born in Bukowina? In contrast, most of today's immigrants come from countries whose boundaries have been stable for a century or more, and their birthplaces and the birthplaces of their parents permit us to make reasonable judgments as to their ethnic group.

The ignoble politics of the census

This, I argued, was all we needed in place of the present questions on race, Hispanicity, and ancestry. These two questions would give us less detailed—but more accurate—data. And they would be more responsive to what America was like, and was becoming.

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Though aware that the proposal was politically naive, I had underestimated how powerful and steady were the forces that created the present unsatisfactory situation. Several recent books on the history of the present categories by Peter Skerry, Margo Anderson and Stephen Fienberg, and Melissa Nobles, as well as some accounts by recent census directors Vincent Barabba and Barbara Bryant, have opened my eyes to the utopian character of my proposal.

All of these authors agree that when it comes to the census, the political outweighs the systematic or the scientific and that this is a reality we have to live with. The word "political" can refer to many things, from the more to less noble. What we have today in the census is political in both of these senses. On the noble side of the equation, the census questions on race are in part the result of major civil-rights legislation. But that legislation was interpreted by the courts and by administrative agencies, both under the pressure of ethnic groups. As we follow this process further and further into the details that have shaped the census, the element of nobility declines. The census questions, whatever we think of their incongruity and irrationality, are the direct result of powerful pressures from the ethnic groups concerned, from Congress, and from the Executive Office. And these are political not only in the sense that political actors are involved, but in the narrower and less respectable sense that they are often motivated by narrow and partisan considerations.

Thus Peter Skerry informs us in his book *Counting on the Census* that the "ancestry" question was "criticized by social scientists for being vague and uninformative," in comparison with the question on birthplace of respondents' parents which it replaced. The Census Bureau also opposed it. "So why did the ancestry question end up on the questionnaire?" asks Skerry. "According to former deputy census director Louis Kincannon, who was working at the Statistical Policy Division of OMB when the decision was made, 'the ethnic desk' in the [Carter] White House insisted that the ancestry question go on the census." Skerry concludes: "It is evident that in the period leading up to the 1980 Presidential campaign, politics overrode the objections of both the OMB and the Census Bureau."

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Democrats have been more responsive to ethnic-group pressures than Republicans, but Skerry informs us that Republican administrations have also caved in to such pressures. The final questionnaires for the 1970 census were already at the printers when, responding to demands of a Mexican-American affairs committee member, President Nixon ordered the inclusion of a Hispanic-origin question—and so "Hispanicity" was born. Skerry quotes Conrad Taeuber, then with the Census Bureau: "The order came down that we were to ask a direct question, have the people identify themselves as Hispanic."

The pressure for such questions comes principally from the ethnic groups involved or their leaders. And while there is only an uncertain relationship between the size of an ethnic group and the benefits that its members might get from affirmative-action programs, the assumption that they will in some way benefit from being counted as a distinct group seems to prevail. At one time, Asian Indians were divided as to whether they should be "Caucasian" or yet another Asian race. In her book *Shades of Citizenship*, Melissa Nobles reports on the 1970s discussions of the Federal Interagency Committee on Education on devising racial and ethnic categories for various federal programs:

> The committee debated whether persons from India should be categorized under the "Asian and Pacific Islander" category or under the "White/Caucasian" category.... In the trial directive, they were classified as Caucasian, but they were reclassified as Asian in the final version (most likely in response to Asian Indian lobbying to ensure racial minority status).

I was somewhat familiar with the debate on these categories in the Indian community. At the time, many Asian Indians, taking into account their high educational and economic position in the United States, rejected the idea that they should be eligible for special benefits. Alas, the possibility of getting preferences for Indians under affirmative-action programs for government contracts outweighed other considerations, and Indians—or at least some in their leadership—decided it was best to join the Chinese, Japanese, Koreans, and others as an "Asian race."

I recall a report in an Indian newspaper that President Reagan's Small Business Administration (SBA) director had

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announced to an Indian conference that the SBA had decided to include South Asians among the groups that were considered qualified for preference in bidding for government contracts. This despite the fact that President Reagan was publicly an opponent of affirmative action. But, undoubtedly, the administration hoped to garner a few Indian contributions or votes.

Congressional intervention has gone into a level of detail that boggles the mind. Congress intervened in the wording of the 1990 race question when the Census Bureau shortened it to include only seven categories. Congressman Robert Matsui introduced legislation to ensure that "the formatting of the API [Asian and Pacific Islander] race question was spelled out, even to the point of stipulating that 'Taiwanese' be one of the subgroups." Both Houses passed it. As Skerry reports, "It was only President Reagan's pocket veto that blocked this extraordinary degree of congressional involvement in what is ordinarily considered the technical side of questionnaire design."

We deal with levels of irrationality that cannot be much affected by reasoned argument. At a meeting before the 1990 census at which members of Hispanic organizations were present, Harvard demographer Stanley Lieberson argued that the ancestry question gives us the same information as the Hispanicity question, making that question redundant. The Hispanic officials present were furious, and insisted that the Hispanic question remain.

So, what has changed since then? Undoubtedly, the degree of political intervention is now at a peak, and to propose changes in the race, Hispanicity, and ancestry questions would probably be an exercise in futility. (I wonder whether Reynolds Farley's excellent suggestion that the three questions be combined into one—"What is this person's primary identity?"—followed by the five "official" group designations and write-ins permitted under each, has ever gotten any public discussion.)

The future of counting by race

But let us take a longer-term look at the matter. We know politics has always played a large role in the census. Melissa Nobles' *Shades of Citizenship* tells us the fascinating history

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of the use of "mulatto" in the census—it was included in censuses from 1850 to 1920. It was originally introduced to support slave-holders' arguments that freedom and race-mixing were bad for blacks. The abolition of slavery did not end the use of the category—it could still be used, its proponents believed, to argue that races were best off separated and that intermixture produced an inferior human being. In 1888, a Congressman from Alabama decided that it was necessary to go into more detail on this matter, and introduced legislation—which passed both houses of Congress and became law—directing the census to "take such steps as may be necessary to ascertain ... the birth rate and death rate among pure whites, and among negroes, Chinamen, Indians, and half-breeds or hybrids of any description ... as well as of mulattoes, quadroons, and octoroons." And indeed, so directed, the census did have categories for quadroons and octoroons in the 1890 census, however useless the results.

The mulattoes, quadroons, and octoroons are gone. What are the long-term prospects for the present astonishing list of races in the census, and the equally astonishing list of "Hispanics"? Will these lists get longer in the future, or shorter, and what factors might affect what becomes of them?

This is an interesting exercise in forecasting and prediction. It is possible that the pressures from affirmative action and the hope for benefits from it will decline as affirmative action itself is restricted. It has already been banned in the public colleges and universities of some major states. One effect of these bans is an increase in the number of students giving no racial or ethnic identity to university authorities. There has been a substantial increase in the number of such students at the University of California at Berkeley. Why identify oneself if there is no longer a benefit in doing so?

Is there an incipient revolt underway against the institutionalization of racial and ethnic categorization, a revolt that will reduce further the reliability of these questions? Ward Connelly has proposed eliminating records of race and ethnicity in the statistics of California. I think this goes too far. For the reasons I have given above, I believe that blacks or African Americans should still be distinguished in official statistics. But California has surprised us recently by going against fixed

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political arrangements in popular votes, as in its rejection of bilingual education. It may surprise us again.

Much of the institutionalization of these categories in the census can be traced to the Voting Rights Act, and the ill-advised extension of this act in 1975 to "language minorities," persons of Spanish heritage, American Indians, and Asian Americans. I do not know what evidence there was even in 1975 that these groups were prevented from voting because of a lack of knowledge of English. The 1975 act requires hundreds of jurisdictions to produce voting materials in various languages, an irritation in many parts of the country. I would guess that there is little evidence that voting in these groups has increased as a result. These provisions also made it necessary for the census to tabulate and distribute census small-area data on the groups protected in the Voting Rights Act very rapidly after a census to assist in redistricting, and to determine whether groups qualify for protection under the VRA.

There is an inherent contradiction between the assumptions of this act and the requirement that one know English in order to be naturalized as a citizen. I recall that when a very large number of Jewish immigrants spoke Yiddish, and read only Yiddish-language newspapers, they had no trouble voting in substantial numbers equivalent to their English-speaking neighbors, to the point where they elected socialist legislators. Are matters very different for current immigrants speaking foreign languages? Will these provisions survive, even to the census of 2010? Whenever a measure to declare English the "official language" gets on the ballot, as it has in a number of states, it passes. This suggests a popular hostility to these provisions of the Voting Rights Act. How long would they survive if submitted to a popular vote? The original point of the act was to overcome barriers to voting by blacks in the South, which were indeed great, were enforced by white officials, and had little to do with knowledge of English. Matters are very different today. The language voting-assistance provisions come up for renewal in 2007. Will some bold Congressman propose that they are no longer needed?

All this is enough to suggest that the present distribution of political forces is not eternal, and that the time may come when the present questions on race and Hispanicity will seem

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as outlandish as the attempt to count quadroons and octoroons in 1890. The progress of assimilation in American life, which admittedly moves more slowly for blacks than for other groups, will very likely change how we think about race, and what questions the census should ask. My hope would be that the change comes about not because of a xenophobic revolt but instead because the members of the groups so marked out themselves no longer see any reason for governmental inquiry into ever murkier racial and ethnic identities.

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The lost sense of honor

JAMES BOWMAN

HONOR, though it has been in bad shape for most of the last century, has never really gone away. What has more or less vanished out of our culture is much of the *language* of honor and shame that was familiar to our parents and grandparents, and this is a matter of profound cultural significance.

For example, at his sentencing to life imprisonment for espionage last month, the former F.B.I. agent Robert Hanssen said: "I apologize for my behavior. I am shamed by it. I've betrayed the trust of so many. I opened the door for calumny against my totally innocent wife and children. I've hurt them deeply. I've hurt so many deeply."

Unless the reporter didn't hear him correctly, Hanssen's saying that he was "shamed" is an interesting social datum. Twenty or thirty years ago, he might have said that he was

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"ashamed,"—the word used then to express one's response to shame. Shame always came from outside, as a result of public exposure. Shame was something that lay in the power of others. In other words, you didn't get to decide if you were shamed or not. At best, your saying that you were shamed would have been seen as a mere statement of fact.

It's true that some people who were shamed by the things they did, and therefore ought to have been ashamed, didn't recognize the fact and so were not. Such people were called *shameless*—or, in Latin form, *impudent*—since the sensitivity to their own shame in the eyes of others that would make them (presumably) ashamed of themselves seemed to be absent.

But either Hanssen was not quite at home with this old-fashioned language, so familiar to earlier generations, or else (more likely) his choice of the word "shamed" in preference to "ashamed" was itself a shameless attempt to control a process that is inherently not subject to control.

The word not spoken

I mention this incident as an example of how difficult it often seems for our contemporaries to understand or use correctly the language of shame—and of honor, shame's complement and opposite. These words have a musty, old-fashioned air about them which makes us reluctant to use them ourselves and nervous when other people use them—even when, as in Hanssen's case, we cannot do without the concepts to which they correspond. Recently, for example, a brigadier general who was being questioned by Bob Franken of CNN was repeatedly asked why "we"—the American people—should believe that what he was saying was the truth. Exasperated, the brigadier finally answered: "Well, as a commissioned officer in the armed forces, I can assure you that what I've said is the truth."

What is the missing word in that statement? My guess is that the officer thought that he would look silly, pompous, and out-of-date if he had said "on my honor as an officer and a gentleman"—and yet he was clearly, if rather comically, hoping that the mention of his commission would convey this idea to the reporter.

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One consequence of the unavailability of the language of honor is that neither the brigadier nor Franken appeared to have been aware that the former had grounds for complaint against the impudence of Franken's question. Franken was already calling into question his honor, and under the old dispensation, his victim would have been perfectly within his rights to box the man's ears, horsewhip him, or otherwise administer some humiliating physical chastisement. For these things too are part of the language of honor that we no longer speak.

True, the word honor does still appear in our public discourse, but nearly always in a context designed to stress its archaic and lapidary character—in the phrase "Duty, Honor, Country," for instance—and one which implies no necessary understanding of what the word might mean. General Colin Powell's authorized biography, written by David Roth, is titled *Sacred Honor* after the thing the Founding Fathers (who were profoundly interested in all questions of honor) said they had committed to the struggle for American nationhood. But the word itself hardly appears in Roth's book and never with any kind of explanation.

The only semi-substantive use of the word "honor" in the book comes in response to Roth's question to former President George Bush as to whether he thought Powell was the source of the information about the private deliberations within the administration over the Gulf War which appeared in Bob Woodward's book *The Commanders*. Here is what the former president said:

> I couldn't tell. But I put my faith in people. And I say, "This guy would never do anything to hurt me or anything to blow himself up, to be a peacock. It's out of character." I put my bet on a human being, and with Colin I never have any doubts of any kind. I know the book caused concern in certain quarters, but it never did with me because I had total confidence in the man's character. For me it was a question of integrity and honor. There's no one that has those more finely honed than Colin Powell.

Significantly, this statement about honor is prefaced by the contemporary-apologetic "for me," which is our way of saying that honor is a personal choice, like everything else. If your idea of honor is to blab to the media everything that you have dis-

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cussed in confidence, then so be it. It's just not "for me."

Powell says, according to Roth, that "the bedrock of warfare ... is 'trusting people, working as a team, being a family.'" And he quotes Eisenhower to similar effect: "We have got to be of one family, and it is more important today than it ever has been." This is the touchy-feely version of what one of the characters in the film *Black Hawk Down* says when he remarks to a comrade that the people back at home "don't understand why we do it"—that is, behave with the kind of reckless bravery shown in the movie. "They don't understand," he says, that "it's about the men next to you. That's all it is." Like General Powell, this man clearly understands what honor is—he just doesn't like to use the word. When Powell goes through a litany of the qualities possessed by the fine young soldiers of Operation Desert Storm, he says: "They're clean, smart, dedicated, trained, motivated, responsible, reliable, self-confident, selfless, patriotic, loyal, drug-free, respectful, tolerant, and caring." "Honorable" doesn't even make the list.

Those who matter

My contention is that there is today a widespread understanding of the need for honor, particularly in a military context, at the same time as there is a widespread doubt or suspicion about it, of which our reluctance to use the word is only a symptom. I believe that this is because there are a number of ways in which honor is incompatible with the spirit of our age—that is, that set of opinions, prejudices, and assumptions about the world that we simply take for granted. What follows are eight ways in which our habits of thought are uncongenial to traditional ideas of honor, and therefore eight reasons why we are nowadays so uncomfortable with words like honor, shame, and impudence.

The first reason is that honor and shame are socially founded and not in the control of the individual who is honored or shamed. That was the awkward fact that Robert Hanssen was trying to get around by bringing up the subject of his shame himself. The spirit of our times puts such a high value on the moral autonomy of the individual that it can hardly comprehend something so recalcitrant to individual will and conscience as honor. David Riesman, in *The Lonely Crowd*, helped

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to nail down the lid of honor's coffin by citing what he called the "other-directed" personality—that is, someone who needs (and who does not?) the approval of others—as a lower human type, the much scorned and derided "conformist" of the 1950s. He named as the higher type the "inner-directed" person, who is supposedly the true individualist, one who has liberated himself from the constraints of social convention and in particular of what remained of Victorian respectability, that high-water mark of honor in the West.

Moreover, honor and shame are not even in the control of the social engineers with whom contemporary intellectuals find it so natural to identify. This is not to say that honor never changes, but that the changes in it are glacial, the product of several generations and not of manipulation to some desirable social end.

The second thing that people nowadays find it hard to accept about honor is that it is fundamentally elitist. In conferring honor, as in earning it, all men are not equal. If I had to sum up the meaning of the word in a phrase, I should say that it is *the good opinion of those who matter*—which is also another way of saying that it depends on context. Everyone knows instinctively who are *those who matter*. They may be the hereditary aristocracy or "the Establishment" or "the ruling classes" or the social register, but in a common enterprise of any kind—a corporation, an administration, a family, a profession, a university faculty, a sports team, a platoon, a ship's crew, or a street gang—those who matter are those with whom one is engaged in a relationship of trust.

This is what anthropologists call the "honor group." It is composed of one's equals even when differences of rank exist, since their opinion matters more—or ought to matter more—than that of any outsider. This explains why it is so extraordinarily difficult to get policemen, soldiers, or F.B.I. agents to "rat" on each other. The very word expresses the disgust that people instinctively feel at behavior like Robert Hanssen's. That is why he attempted to skate over the "so many" that, apart from his family, he has "deeply hurt." But their hurt was not, like that to his family, merely accidental, the result of standing too close to a moral time-bomb when it went off. Their hurt, the hurt of his colleagues and friends, was of the

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essence. After all, if he hadn't been bound in honor and trust to them as colleagues and comrades, his betrayal of that relationship would have had no cash value to his Russian paymasters.

The importance of the honor group, and the difficulty of manipulating honor for desirable social ends, is illustrated by the failure of what are called "honor systems" on various college and university campuses. The one thing that these systems all have in common with each other, but decidedly do not have in common with more traditional ideas of honor, is that they require one to report to the authorities any infractions by anybody else—in short, to rat on one's friends. One cannot be bound in honor to disobey the rules of honor.

Judgmental and uncompassionate

But in acknowledging that we value the good opinion of the people who matter most to us—even where we prefer not to speak of this as "honor"—we in effect confer upon those people the right to judge us, which brings up a third quality of honor that is incompatible with our contemporary prejudices: that it is judgmental. When dealing with questions of right and wrong, we can always reserve judgment. We can, as the Church commands us, condemn the sin but love the sinner. Or, as is more often the case these days, we can love both sinner and sin, or at least refuse to condemn it as a sin, though we may vaguely disapprove of it as "inappropriate." But judging and condemnation are of the essence of honor.

Related both to its violation of individual autonomy and to its "judgmentalism" is honor's lack of compassion. This is the fourth serious stumbling block for us, and it is what Hanssen was hinting at by bringing up his wife and children at the sentencing. The fact that his family must suffer the shame of his deeds seems to us to be monstrously unfair. They didn't do anything, after all. And yet, so the rules of honor decree, suffer they must. As Hermione says to her husband Leontes in Shakespeare's *Winter's Tale* when he publicly accuses her of adultery, honor is "a derivative from me to mine." She is indirectly pointing out to him that, in disgracing her, he is also disgracing himself and their child. Likewise, when Orlando's

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wicked brother Oliver calls him "villain" in *As You Like It*, Orlando replies that, as they share in the family honor, "Thou hast railed on thyself."

As the bonds between husband and wife are particularly a matter of trust, so is the honor of each particularly bound up with that of the other. As Tennyson's Merlin puts it:

> My name, once mine, now thine, is closelier mine,
> For fame, could fame be mine, that fame were thine,
> And shame, could shame be thine, that shame were mine.
> So trust me not at all or all in all.

The good side of trust, in other words, is inconceivable without the bad, the uncompassionate side. This is true not only in marriage but wherever there is a bond of trust. There can be no trust where there is not also the possibility of a breach of trust, and vice versa. In the same way, there can be no honor where there is not the possibility of shame and disgrace.

Relativistic and unChristian

So far, the things that make people uncomfortable about honor are more likely to disturb liberals than conservatives. But the fifth and sixth problems for our contemporaries are more likely to gall conservatives than liberals. The fifth problem is that honor is a relativistic standard. Just as the people who matter most are not always the same, so the things that are honored in one society or social subset may not be honored, and may even be despised, in another. Honor, like irony, depends on context, and this makes conservatives uncomfortable. Hobbes has a story that illustrates the contextual nature of honor:

> The King of *Persia*, Honoured Mordecay, when he appointed he should be conducted through the streets in the Kings Garment, upon one of the Kings Horses, with a Crown on his head, and a Prince before him, proclayming, *Thus shall it be done to him that the King will honour*. And yet another King of *Persia*, or the same another time, to one that demanded for some great service, to weare one of the Kings robes, gave him leave so to do; but with this addition, that he should weare it as the Kings foole; and then it was Dishonour.

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Or, to take another example from Hobbes, "To imitate, is to Honour; for it is vehemently to approve. To imitate ones Enemy, is to Dishonour."

Conservatives, of course, are more likely to believe in absolutes. They are rightly suspicious of any normative standard that shifts around as much as honor does, and that varies from society to society.

Today is not the first time that honor has found itself opposed to the other various rules that bind society. Indeed, problem number six is that, throughout most of its history in the West, honor has been at odds with Christianity. The values of the Sermon on the Mount, and in particular the injunction to "turn the other cheek," are completely contrary to the demands of honor, which are that you not only may but *must* strike back. Throughout the centuries in which dueling was a common practice among the European aristocracy—and the rather shorter period during which the generation of the American Founders still considered themselves bound by aristocratic standards—it was the Church that most loudly and insistently condemned the practice.

We are much more influenced by our Christian than by our honorable heritage. That is one reason why we are happier with notions of goodness or badness, guilt or innocence, right or wrong—things which can be entirely entrusted to the keeping of the individual will and conscience. Nobody can lay claim to a proprietary interest of this sort in honor, though as the example of George Bush's encomium to Colin Powell illustrates, that doesn't stop us from trying. It is partly because of our passionate individualism too, that insofar as people still understand anything at all by the word "honor," it is likely to be as some species of virtue—telling the truth, perhaps, or keeping promises or, if you are a college student, not cheating on tests.

This is to make what the philosopher Gilbert Ryle called a category mistake. Honor is not one among the other virtues. It is entirely apart from right and wrong, good and evil. It is a different system altogether, though one that sometimes overlaps with the parallel system of virtue and its various opposites. Aristotle called honor the reward of virtue, but even he

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was describing an ideal. More pessimistic—or realistic—philosophers and poets since have recognized that, while sometimes honor may be the reward of virtue, especially where that virtue is exercised on a public stage, it is at least as often the reward of good public relations. Throughout the centuries during which honor was less a preoccupation than an obsession of the literate and cultured classes of society, it was always taken for granted that one could not be shamed by what was not made public. Honor, in other words, was often consistent with quite despicable behavior that never got out.

Hypocritical and sexist

And so we come to yet another problem. Honor is not only consistent with hypocrisy, insincerity and—not to put too fine a point upon it—lying, it often requires them. Honor, that is, is almost necessarily hypocritical. The fact may be regarded as a corollary of its "judgmentalism" mentioned earlier, since few people have the courage—or the shamelessness—to face the consequences of a public shaming for faults that might just as well be regretted and perhaps even repented of in silence. Hobbes was also hinting at this essential feature of honor when he said: "Nor does it alter the case of Honour, whether an action (so it be great and difficult, and consequently a signe of much power,) be just or unjust: for Honour consisteth onely in the opinion of Power."

But the cult of personal authenticity to which we of the twenty-first century are the heirs despises nothing so much as hypocrisy, and when we think of La Rochefoucauld's maxim that "Hypocrisy is the homage vice pays to virtue," it is as a cynical witticism and not a justification of hypocrisy's social utility. Yet hypocrisy is not only useful but necessary if virtue is to flourish. After all, isn't it better for vice to pay homage to virtue than openly to flout and despise it? When vice need no longer offer up such homage, as in our own time, it is a measure of the relative enfeeblement of virtue.

But in spite of what I have said above about honor as a relativistic standard, I could hardly be addressing the subject of what happened to honor if there were not also a more permanent dimension to it. And here we come to the eighth,

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the last, and undoubtedly the most serious problem that the modern sensibility has with honor: that it is fundamentally different for men and women. Traditionally, and across all kinds of other cultural variables, honor for men has meant bravery—or, rather, the reputation of bravery—while honor for women has meant the reputation of chastity.

Here, you may say, is surely an example of honor itself and not just its language being outmoded and forgotten. I do not absolutely deny it, but just you try calling a man a wimp or a woman a slut. Even today these are what the law calls "fighting words"—and they do not apply in reverse. Call a man a slut or a woman a wimp and the insult falls woundless to the earth. As Bernard Mandeville wrote in *The Fable of the Bees* in 1714, it had often been noted that

> the Word Honour, I mean, the Sence of it, was very whimsical, and the Difference in the Signification so prodigious, according as the Attribute was either applied to a Man, or to a Woman, that neither shall forfeit their Honour, tho' each should be guilty, and openly boast of what would be the other's greatest Shame.

That this should still be the case, signifying the residuum of shame attaching to cowardice for men and promiscuity for women but not vice versa suggests a powerful continuity in human nature. True, gentlemen no longer fight duels over a lady's honor, and if they did the lady might consider it (or pretend to consider it) rather more insulting than flattering, since a duel between men would imply that her honor was the property of her husband, brother, or father and not herself. But we still instinctively understand the impulse that once made men fight duels, which is why a comic version of one was included in *Bridget Jones's Diary*. Thus, even today, some sense of honor still lingers in our collective memory, despite the efforts of the past century of Western culture to wriggle free of these primitive constraints.

Ideal of the gentleman

It is important to note, however, that honor could be reformed or even discredited in the West because it already had been over centuries during which it was in competition with

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other and opposed cultural tendencies. The honor that we are half-remembering when we try to avoid mentioning its name is not the honor found in primitive societies, or that taunts us in the words and deeds of Osama bin Laden today. Rather, it is a carefully nurtured and delicate hybrid that was the product of half a millennium of European history. Throughout that period, honor had been forced to compromise at every stage along the way. One reason for these compromises was opposition from the Church. Another was the centralizing political authority of the state—for, like the aristocracy of which it was the peculiar property, honor could often be an obstacle in the way of producing an obedient and docile people. But another and more important reason for compromise was the emergence of Enlightenment ideas about the worth and rights of the individual.

Honor as it still existed in 1914 was the product of a further series of compromises, a Victorian accommodation between antique honor and modernity. Something resembling traditional aristocratic honor was allowed to survive and even flourish, supported by a medievalist or "Gothic" revival in the arts and literature which celebrated the myths of knighthood and chivalry. But its survival depended on an unprecedented willingness on the part of the aristocrats and members of society's traditional elite to treat the most talented of the upwardly mobile middle and even working classes as members of the honor group equal with themselves.

The summit of Western civilization's achievement in this respect was the Anglo-Saxon ideal of the gentleman. For three hundred years, from the sixteenth to the nineteenth centuries, the dynamic interaction of the different strands of Western culture produced as its highest ideal not the brave and mighty warrior of antiquity—the Achilleses, Beowulfs, or Rolands to which the Islamic ideal bears more than a passing resemblance—but someone who was blessed with certain civilized virtues. The Renaissance made him a scholar and a linguist, and the eighteenth century made him (like the American Founding Fathers) a patriot and a philosopher as well. The nineteenth century added sportsmanship and a kind of rugged piety.

Above all, the nineteenth century finally severed the con-

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nection between the gentleman and hereditary wealth and made his behavior the sole determinant of his status in honor. Of course, class prejudice did not suddenly disappear, and nor did "old money" cease to think itself superior to "new money." But if new money—and new men—had not been rising with great regularity to take the place of the old in the nineteenth and twentieth centuries, there would have been little occasion for such snobbery.

Goodbye to all that

This distinctively Western idea of honor came to an end with the First World War. This represented a tectonic shift in Western cultural foundations not only because of the war itself but because of two phenomena that arose out of it, feminism and psychotherapy. Modern warfare, particularly as it was experienced in the trenches of the Western Front in the First World War showed—or was taken to show—that the individual acts of bravery and heroism on which honor depends had been rendered meaningless. The trenches were supposed to have been a slaughterhouse, not only for the men unfortunate enough to have been sent there but also for the ideals of glory and honor. "What passing-bells for these who die as cattle?" wrote the British "soldier-poet" Wilfred Owen, who in another poem referred to "The old Lie: Dulce et decorum est/Pro patria mori."

Few propositions would have commanded more universal assent in Europe before 1914 than the Horatian principle that it is sweet and decorous to die for one's country. Nowadays, if you do an Internet search for "Dulce et decorum est," six thousand references to Owen's poem appear, but only a tiny handful to Horace. The "lies" have it.

At the same time that the young men of Europe, raised on Victorian ideas of chivalry, were being disillusioned at the front, the young women were being brought en masse into the workforce. Their taste of independence lent new impetus to the suffragist movement that was already making headway before the war. Almost immediately after the war, women were given the vote throughout the Western world, and the resulting breakdown of social and juridical distinctions between men and women could not but have had tremendous effect. More-

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over, the feminism of the time was closely allied with a resurgent pacifism that resented masculine honor for other reasons.

Also arising out of the war and finding expression in the developing science of psychoanalysis was a new appreciation of the psychic effects of war—"shell shock," as it was called then, or "post-traumatic stress disorder" now. Wilfred Owen was one of the most celebrated sufferers, and the saga of his sojourn at Craiglockhart Hospital in Scotland and treatment by Dr. William Rivers is now the stuff of myth and legend like the deeds of the heroes of old. Thus begins the twentieth-century romance, still as potent as ever at the beginning of the twenty-first, of the hero as victim.

Obviously, anything that so turned attention away from the soldier as a member of a regiment or an army and toward him as an individual, a particular psycho-social complex, was bound to diminish the role of honor, which had a special interest in whether his actions brought either honor or shame on others as well as himself. Once the claims of the individual were recognized as paramount, they of necessity brought into disrepute and scorn the claims of the group—whether the state, the nation, the regiment, the community, the profession, the trade, or the family—once thought to have been honored by the sacrifices of its individual members.

Islam and honor

In trying to do away with the honor culture completely rather than reform it, we seem to have pushed honor to the margins of our society, where it comes back in its more primitive form—in the culture of street gangs, for instance, for whose members being "dissed" or disrespected is a matter taken as seriously as it was by eighteenth-century gentlemen. But a more serious consequence has been that we are no longer able to understand the nature of the enemy we confront in the "war on terror."

Consider, for example, the words of Osama bin Laden to John Miller of ABC News in 1998:

> We have seen in the last decade the decline of the American government and the weakness of the American soldier, who is ready to wage cold wars and unprepared to fight long wars.... This was proven in Beirut when the Marines fled after two explo-

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> sions. It also proves they can run in less than 24 hours and this was also repeated in Somalia.... [Our] youth were surprised at the low morale of the American soldiers.... After a few blows, they ran in defeat.... They forgot about being the world leader and the leader of the new world order. They left, dragging their corpses and their shameful defeat.

Bin Laden was relying on the universal understanding that cowardice is dishonorable, but his inability to see America's behavior in any other terms is characteristic of the more primitive honor culture from which he comes. As David Pryce-Jones has written, "Arabs and Muslims generally live in what anthropologists call a shame society, in which acquisition of honor and avoidance of shame are the key motivators. These values distort reality and oblige people to cancel out feelings of shame through heroics."

We may find the use of the word "heroics" in connection with suicide bombings bizarre, but we have to remember that the unreformed honor culture owes nothing to Victorian notions of fair play. As Pryce-Jones puts it, suicide bombing does "not fit into any Western scheme of things." But the Palestinian suicide bombers kill for symbolic reasons because they "have to see themselves primarily as rescuing honor." Pryce-Jones goes on to cite the testimony of Nasra Hassan and Hala Jaber, two Muslim journalists, of "how would-be suicide bombers utter such key sentences as 'Israel attacked my honor,' and 'Honor and dignity are very important in our culture. And when we are humiliated we respond with wrath.'"

This helps explain how the suicide bombers, like the September 11 terrorists, are mostly people from middle-class, reasonably well-off homes. Often they have university educations. The common media explanation that they are poor and desperate simply does not accord with the facts. Nor are they necessarily religious fanatics. As Pryce-Jones has noted, many of the most recent suicide bombers have come from the al-Aqsa Martyrs Brigade, a group of secular nationalists. He writes:

> Islamic fanaticism and the need to wipe out perceived shame merge into a socio-religious frame of mind that sends these young men happily to their gruesome but devotional deaths. They have become priests of killing.

Moreover, such honor cultures see others as belonging to the

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same honor system as themselves. Attempts to reason with or placate them are seen as signs of weakness (and therefore dishonor) and only encourage them to redouble their efforts.

Yet Western commentators, heirs of the twentieth century's discrediting of honor, are fond of describing the conflict in the Middle East in terms of "the cycle of violence." They do not see that their use of the word violence would not be understood by the people for whom they are prescribing solutions. Generic "violence" makes no sense to people shaped by a centuries-old understanding that the only important thing about a violent act is who is committing it. Committed against themselves, violence is very bad; committed by themselves, it is good. Pretty much all the human race once thought this way, but the history of the United States and Western Europe has produced a very different sensibility. We regard a violent act not simply as an act requiring vengeance but as a symptom of something else, some emotion that can be treated and calmed by something other than an answering act of violence.

Thus our politicians and diplomats, almost as much as our pundits and reporters, are inclined to look at the Arab-Israeli conflict in terms of "anger." The Arabs are angry with the Israelis for occupying what they regard as their land; the Israelis are angry with the Arabs for blowing them up in suicide terror attacks. Once this assumption is made, then it is natural to think of the solution as consisting of the search for ways to assuage that anger. If the Israelis could only compromise and give the Arabs some of the land they want, then their anger would be less. It might even dissuade them from further suicide bombings. That in turn would lessen Israeli anger, and so lead to further accommodations between the two sides.

But what if the problem is not emotional? To be sure, emotions are useful if you are nerving yourself to commit a homicide-suicide, or to throw rocks at people armed with automatic weapons. But to focus on those emotions is to mistake the consequence for the cause. The real explanation for the violence is found not in anger but the old imperatives of honor that we in the West have almost forgotten.

Perhaps Osama bin Laden thought that he could get away with the terrorist attacks of September 11 because Americans had not thought our honor engaged when our soldiers were

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killed in Somalia, our sailors on the USS Cole, and our diplomats in Nairobi and Dar Es Salaam. Few in America, even the most hawkish, would have felt comfortable with the insistence that American honor demanded a violent retaliation for these deeds. Honor is just too old fashioned a concept to be useful in this way.

Or so we thought until September 11. At that point, President Bush and the country as a whole seemed instinctively to understand that there was no question of leaving our 3,000 dead unavenged. But because of the long desuetude of the idea of honor, it was necessary for him to couch his determined resistance in the language of good and evil, instead of that of national honor. It helped, of course, that the terror attacks really *were* evil. But there are lots of evil things that go on in the world that do not oblige us as a nation to risk our blood and treasure for the sake of stopping them. What made *these* evil acts uniquely exigent?

Two concepts of honor

Only by an understanding of the Arab honor culture can we make sense of the taunt of a Hamas official, reported in the *Washington Post*, that Jews "love life more than other people ... and they prefer not to die." What can he mean? Who doesn't love life and prefer not to die? But if you take the view of an honor culture, in particular an extreme, primitive and unreformed honor culture like that of the Arabs, it becomes a sign of shame or weakness to confess that you love life. The Hamas official is not making what he considers to be a statement of factual reality about the psychological state of either Arab or Jew. His concern is solely with the pride and honor of not showing fear—and therefore, in an extreme honor culture, of insisting that one loves what others fear, namely death.

Leon Wieseltier claims to be able to tell the difference between heroism and the martyrdom sought by the Arab suicide bombers: "A hero," he writes,

> is somebody who risks everything for what he believes. A martyr is somebody who risks nothing for what he believes, because he believes that his reward is certain, and that his life really begins with his death. Martyrdom, unlike heroism, is an extreme and

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> repugnantly rigid expression of certainty. Martyrs make dogmas, heroes make wagers.

This is silly. On this argument, the suicide bomber would be transformed into a hero simply by entertaining doubts (and who, in such circumstances, would not?) of his eternal destination. But Wieseltier, like so many other liberals, must make this argument so that he can go on to claim that the Palestinian terrorists and supporters of terror *are* like us after all. "Surely they may be expected to recognize what is wrong with suicide bombings," he writes, "and more generally with historical action founded on rage and despair. There is no reason for foreign soldiers to spare the Palestinians the pangs of auto-emancipation. Otherwise no peace will ever be real." But no peace is ever "real" in this sense. All peace coexists with various sorts of dissatisfaction, which, for one reason or another, are not for the moment erupting into war. But what Wieseltier comically calls "auto-emancipation" is a triumph of liberal self-deception and a refusal to acknowledge the reality of cultural differences.

A somewhat similar problem arose with President Bush's description of the terror attacks of September 11 as "cowardly." A number of observers pointed out—Bill Maher of the television show "Politically Incorrect" most notoriously—that hijacking an airplane and flying it at hundreds of miles an hour into the side of a building was not most people's idea of cowardice. Let us by all means admit that the suicide bomber is a hero within his own terms of reference, which are those of an unreformed honor culture.

But Bush had a point too, and one which shows that the reformed, pre-1914 honor culture of our grandparents and great-grandparents may still be not beyond recovery. For somewhere still buried in our president's conscience was a sense that striking your enemy when his guard is down, and killing his women and children, is not playing by the rules of the game. Not, that is, in terms of what were once the gentlemanly standards of Western man. Indeed, it is a confession of our enemy's dishonorable fear of attacking our fighting men that they had to attack our civilians instead. Osama bin Laden himself admitted as much in his early denials of responsibility, when he said that *his* men would not have been guilty of such a dishonorable deed.

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I wondered at the time if this remark wasn't the indication of a tiny sense of shame, a feeling for the inferiority of his unreformed honor culture and the implied rebuke of the Western one, with its sense of chivalry and fair play. Although the latter culture is apparently long gone, all but the most "progressive" and guilt-ridden among us must feel ourselves superior to those who commit acts of indiscriminate slaughter in the name of honor because we remember that our own honor culture, before we grew ashamed of it, held itself to a higher standard. Even those of us who overtly scorn the idea of gentlemanliness may feel ashamed of not behaving like gentlemen (or ladies, for that matter). But it may take a war with a primitive honor culture to bring our own sense of honor back.

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The three faith factors

JOHN J. DIIULIO, JR.

HOW, if at all, does religion affect health and social welfare? Under what, if any, conditions does religion help to improve the lives of disadvantaged urban children and families, and how, if at all, can we foster those conditions? Is there any significant body of evidence to suggest that religion reduces crime and delinquency among low-income, inner-city youth?

In 1995, when I began asking these questions in earnest, there was little reliable empirical research with which to address them. Today, however, we have many first-rate statistical and ethnographic studies that supply some preliminary answers. Though far from definitive, the evidence to date suggests that religion can improve individual well-being and ameliorate specific social problems.

But what types of religious influences are most beneficial

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to the individual and society? At least three separate but related faith factors can be identified—what I will call "organic religion," "programmatic religion," and "ecological religion."

"Organic religion" is defined as a belief in God and regular attendance of religious services in a church, synagogue, mosque, or other traditional places of worship. "Programmatic religion" refers to individual participation in social programs run by organizations with a religious affiliation. With or without attending religious services, a child might be enrolled in an after-school program that is staffed mainly by religious leaders and volunteers. Lastly, even if one does not believe in God or attend services or religiously run social programs, one may still be exposed to "ecological religion." For many urban youths, the only institutions more ubiquitous than liquor outlets are churches, the only unbroken windows they see are stained-glass windows, and many of the social-service programs that routinely supply them or their neighbors with basic necessities and services are operated through community ministries. Even without any formal religion in their lives, such youths may still be exposed to religious influences.

State of the research

The empirical research to date suggests that, especially for low-income urban children, youth, and young adults, these different forms of religious influence help to counter other, negative individual and social influences. Other things being equal, church attendance, participation in faith-based programs, and benefits received or services delivered from the hands of people working through local congregations are each associated with a greater probability that urban youth will escape poverty, crime, and other social ills.

Still, the body of research on organic, programmatic, and ecological religion is far from comprehensive. While the literature on organic religion is now highly developed, that on programmatic religion is much less so. Scholars have usually approached organic and programmatic religion in ways that lend themselves to addressing whether these respective religious factors improve life prospects. In contrast, the literature on ecological religion focuses far more on the extent to which community

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congregations supply social services to their needy neighborhoods than on whether their presence and activities improve individual life prospects or overall community conditions.

Certain questions remain almost completely unasked and hence unanswered. One might reasonably posit that, other things being equal, an inner-city youth who is exposed to all three kinds of religious influence would be most likely to prosper. But in fact we do not yet know whether such a "three-factor" youth is likely to do better than an otherwise comparable "single-factor" or "two-factor" youth. Moreover, there is as yet no firm empirical basis for knowing whether faith-based social programs outperform secular ones, and if so, why. And the only answers we can now credibly give to healthy skepticism about the social efficacy of religion are based not on experimental evidence but on counterfactual reasoning. Thus, to those who say, "If religion reduces deviance and is so ubiquitous, then why are things still so bad?", we can only respond, "How much worse would things be were it not for religious influences?"

Still, we do know far more today than we did seven years ago. The studies we have allow us to examine organic, programmmatic, and ecological religion in relation to relevant research literature on urban crime and delinquency. What we know is highly encouraging. These three types of religious influence constitute a social trinity of "spiritual capital" that can help low-income urban children, youth, and families.

Organic religion

Imagine two sets of people who are alike in terms of average age, income, and other socioeconomic and demographic characteristics. One group consists of people who believe in God, attend worship services regularly, and exhibit other religious commitments. The other group consists of nonbelievers who attend worship services rarely, if at all, and exhibit few if any marks of religious commitment.

Other things being equal, the former group will suffer less, on average, from hypertension, depression, and drug and alcohol abuse, will have lower rates of suicide, nonmarital childbearing, educational failure, and juvenile delinquency, and will

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boast more members who live into their seventies and eighties. The University of Pennsylvania's Byron Johnson recently conducted a systematic review of over 700 relevant organic religion studies. In the vast majority of these studies, organic religion was found to vary inversely with negative social and health outcomes, and was associated with emotions and behavioral traits that vary directly with positive social and health outcomes.

For example, based on his systematic review of 46 organic religion and delinquency studies, Johnson reported that "religious commitment and involvement helps protect youth from delinquent behavior and deviant activities.... There is mounting evidence that religious involvement may lower the risks of a broad range of delinquent behaviors, including both minor and serious forms of criminal behavior."

Likewise, a 1985 study by Harvard economist Richard Freeman reported that churchgoing, independent of other factors, made young black males from high-poverty neighborhoods substantially more likely than otherwise comparable "unchurched" young men to escape poverty, crime, and other social ills. In a 1998 re-analysis and extension of Freeman's study, Johnson and David B. Larson mined national longitudinal data on urban black youth and confirmed that religious commitments are powerful predictors of whether those youth will escape crime, poverty, and other social problems. There are now over a dozen similar findings in the literature on religiosity and delinquency, and nearly as many in the literature on religiosity and adult criminality. Johnson speculates that religious commitment "may help adolescents learn 'pro-social behavior' that emphasizes concern for others' welfare," giving them "a greater sense of empathy toward others," and thereby rendering them "less likely to commit acts that harm others."

Such speculations square with the views of the hundreds of community and ministry leaders I have gotten to know over the years. Eva Thorne, an MIT-trained political scientist who has spent over a decade ministering to children and youth in one of Boston's poorest neighborhoods, explains that much of society tends to relate to these "problem children" in terms of "the abuses the children suffered, the violence they have witnessed or done or had inflicted on them, the failures they had

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in school, the illicit acts they have committed, the illegal drugs they have consumed or sold, the low-income neighborhood in which they have lived." In contrast, she explains, community ministers and religious leaders relate to them, and encourage them to understand themselves, as "children of God."

Programmatic religion

Notwithstanding the great social benefits of organic religion, we cannot and should not use public funds or other public means to proselytize, promote sectarian worship, or advance religious instruction. But government is permitted to contract with certain faith-based organizations, from local houses of worship to national religious charities, that deliver specific social services and programs. Government, for example, cannot aid a local church's Sunday school bible-studies program (an example of organic religion), but it can fund the same church's after-school literacy training (an example of programmatic religion), even if the program is staffed by clergy or religious volunteers and is conducted in a place of worship.

Unfortunately, the empirical research on the efficacy of programmatic religion in improving health and social welfare is far less developed at this point than the literature on organic religion. Relatively little data exists for even those programs run by large, well-known religious service organizations. The Salvation Army presently operates some 9,500 centers, takes in $2 billion in yearly revenues, and serves over 30 million people from coast to coast. The organization also runs a number of social-service programs, from homeless shelters and housing programs to drug-rehabilitation and job-training programs. But we know next to nothing about how effective the organization's famous Adult Rehabilitation Centers (ARCs) are in reducing substance abuse, because the ARCs have yet to be systematically studied or evaluated.

Other religious social-service organizations, such as the national evangelical Christian organization Teen Challenge, are also largely unexamined. Teen Challenge features a two-part process in which program participants spend several months at a reception center getting clean and sober before officially beginning the program. The program is explicitly Christ-cen-

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tered and predicated on the belief that drug addiction can be cured only by total reliance on God's grace. Teen Challenge reports tremendous (over 80 percent) success rates in curing young adult drug abusers. A few decent studies of Teen Challenge have been completed, and their results are generally positive, but none of these studies meets the most rigorous evaluation research standards. Selection bias, a lack of data over an extended time period, and other problems plague the extant documentation on the program's efficacy.

The picture becomes clearer when we turn to another national faith-based organization, the Prison Fellowship Ministries (PFM). Led by former Watergate felon Charles Colson, PFM is a $60 million-a-year evangelical Christian ministry that encompasses not only men and women behind bars but the children and families of prisoners as well. PFM sponsors a variety of prison-based education, drug-treatment, and other programs. Now emerging is a critical mass of systematic research and follow-up studies suggesting that participants in certain PFM programs have significantly lower recidivism rates than otherwise comparable offenders. For example, one study found that 14 percent of the inmates in four New York State prisons who participated in PFM's bible-studies activities were rearrested one year after release, compared to 42 percent of otherwise comparable inmates in these prisons who did not participate in the program.

Aside from these data, there has yet to be a single strongly experimental or quasi-experimental study of any major faith-based program. Indeed, with respect to faith-based programs for drug addicts, prisoners, at-risk youth, and other populations, most of the "success rates" one hears about are simple summary statistics that lack meaningful data-gathering, analysis, or evaluation. The good news, however, is that nearly all programmatic religion powerhouses—including the Salvation Army, Teen Challenge, and PFM—welcome independent evaluations of their programs. The same is generally true for the extraordinarily large and diverse sector of local and regional faith-based social programs, including those that work through interfaith, ecumenical, public and private, or religious and secular partnerships.

Philadelphia's Youth Education for Tomorrow (YET) pro-

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gram, which offers intensive after-school reading instruction through a cooperative effort of several dozen churches, Catholic schools, grassroots religious groups, and public schools, is a promising example of programmatic religion's success. A recently published first-year evaluation of the program by Public/Private Ventures analyzed data on about 1,000 YET children, all of whom entered the program reading two grades or more below grade level. The study showed that children who attended YET 100 days or more vaulted 1.9 years in reading ability, while children who came fewer than 100 times still registered an impressive average gain of 1.1 grade levels.

YET is typical of local programmatic religion programs that, in collaboration with secular and other partners, aim at achieving a specific civic goal. Consider the story of one YET worker as recounted in the aforementioned Public/Private Ventures report:

> There was a little boy who was going to get kicked out of school, so they sent him to his YET teacher, and she basically told him, "Jesus loves you, and He sent me here to tell you that He loves you, and there's a good little boy in there that I'm going to help bring out, and I just want you to know that wherever you go, Jesus loves you and I love you." And that was outside of the literacy program, but he was in her literacy program, and he made the honor roll.

In a similar vein, Robert Woodson, president of the National Center for Neighborhood Enterprise, suggests that the reason programmatic religion may reduce deviance and delinquency is that faith-based social-service providers, armed with a religious sensibility, often go above and beyond the call of duty and act in ways that inspire an unusual degree of trust among program beneficiaries. In his 1999 book *The Triumphs of Joseph*, Woodson recalls:

> I will never forget the sight of former felons and addicts washing pots and pans and scrubbing down pews in restitution for some violation of a program's rules. Previously not a threat of a death sentence or life imprisonment meant anything to these individuals who accepted homicides as a fact of life and anticipated a life span of under thirty years. Yet they had willingly accepted the discipline of an unpretentious sixty-year-old outreach minister because he had won their trust.

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A religious difference?

One approach to testing such ideas about the efficacy of programmatic religion is to examine how faith-based organizations fare at activities—such as mentoring at-risk youth—for which there exists a sizable body of research and a track record of success by secular providers. By doing so, we may better understand the conditions under which faith-based programs produce positive social outcomes and can judge whether, in fact, faith-based programs hold any comparative advantages over strictly secular ones.

To date, the most well-regarded study of mentoring is Public/Private Ventures' 1995 evaluation of the Big Brothers Big Sisters of America program. Joseph Tierney and Jean Baldwin Grossman of Public/Private Ventures found that youth (most of them low-income minority youth) who were matched with a big brother or sister reaped significant benefits compared with their counterparts who remained on waiting lists. The matched children were 46 percent less likely to begin using drugs and 27 percent less likely to begin using alcohol. They were a third less likely to hit someone. They skipped school half as many days as the wait-listed youth. They also liked school more, got better grades, and formed better relationships with their parents and peers. These effects held for boys and girls across all races.

But the evaluation called attention to at least two problems. First, thousands of eligible children remained on waiting lists due to a shortage of available mentors. Second, the inner-city youths who most needed responsible nonparental adult support and guidance in their lives were the least likely to get it. The simple reason is that Big Brothers Big Sisters of America, like most other effective mentoring programs that reach at-risk urban youth, attracts youths who already have at least one parent, guardian, or other adult in their lives who is responsible enough to sign them up, follow through on interviews and phone calls, fill out forms, and so forth. In a three-city study completed in 1998, Public/Private Ventures found that many low-income minority youth in urban neighborhoods lacked even this level of guidance. As many as a quarter of youth in "moderately poor" neighborhoods were completely "disconnected" from "positive adult supports."

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In response, Public/Private Ventures, in partnership with Big Brothers Big Sisters of America and networks including over 30 local churches in Philadelphia, began in 2000 what has become known as the Amachi mentoring program. "Amachi" is a West African word signifying wonder at the precious gifts God gives us through children. The program attempts to reach some of the most severely at-risk youth, namely, low-income urban children who have one or both parents incarcerated. In only its first year, Amachi mobilized over 500 adult mentors through local churches, which more than doubled the total number of mentors that Big Brothers Big Sisters of America had in the city.

With the aid of Amachi's leader, Reverend W. Wilson Goode, Sr., researchers are analyzing the program and will eventually undertake a full-scale study. Already, however, it seems clear that Amachi's mentoring relationships between religious adults and the often desperately needy children of prisoners differ from the usual "active matches." Baseline data gathered thus far indicate that the religious mentors spend more hours with the children, open both their homes and their pocketbooks more, meet more often to discuss how best to help the children, and otherwise exceed official program expectations.

However, even with most mentors going above and beyond the call of duty, it remains to be seen whether Amachi produces any long-term improvements in the lives of these children, and whether, beyond its proven advantages in mobilizing mentors, it outperforms strictly secular mentoring programs.

Ecological religion

Suppose that a low-income, semiliterate urban youth with a mom or dad behind bars is not in any faith-based program nor has any experience with organic religion. Nevertheless, faith could still be a significant factor in his life, one that affects his life prospects—including the probabilities that he will become delinquent, or a criminal, or be criminally victimized by others. The child might not be in any formal faith-based program, but he might receive food, money, medicine, shelter, or attend preschool, day care, or summer camp through local religious congregations. Without believing in God or being the

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least bit religious, he might end up receiving court-ordered juvenile justice services administered by community-serving ministries. Or, he may simply live in a neighborhood dotted with churches. In sum, even without organic religion or programmatic religion in his life, he may still be exposed to ecological religion.

The ecology of urban life, especially in the poorest neighborhoods—and most especially for low-income African Americans—is a religious one. It is not just that churches, synagogues, mosques, and other religious institutions, large and small, are everywhere one turns in these communities. It is also that, after decades of public and private disinvestments, virtually all other institutions (save the ubiquitous local liquor outlets), have folded or fled these neighborhoods.

This has left to sacred places the provision of an ever-wider range of civic functions, usually, however, without much in the way of either governmental or private—individual, philanthropic, or corporate—financial support or technical assistance. And it has led many public agencies to rely, de facto, on community-based religious volunteers and organizations to administer social-welfare programs and services, even where those urban government-by-proxy contracting arrangements have involved, *sotto voce*, pervasively sectarian organizations.

The literature on ecological religion falls into three categories: first, the path-breaking congregation surveys led by the University of Pennsylvania's Ram A. Cnaan; second, the subset of studies that focus on ecological religion in relation to partnerships with public agencies (particularly criminal-justice agencies); and, third, the studies in economics, psychology, and other disciplines that have analyzed ecological religion as an element of social capital or, as I prefer, spiritual capital.

Congregations and blessing stations

Of the many studies of the social services provided by local religious congregations, the most thorough are the congregation surveys by Cnaan. In the mid 1990s, Cnaan and his Penn research team conducted a multi-city study of more than a hundred randomly selected urban churches and their services within their communities. Congregations were surveyed in Philadelphia, New York, Chicago, Indianapolis, Mobile, Oakland,

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and San Francisco. The study was based on site visits that averaged three hours in length, along with a carefully crafted 20-page questionnaire covering over 200 specific social-welfare services. Cnaan and his colleagues found that over 93 percent of these churches opened their doors to the larger community. Each church provided an average of 5,300 hours of volunteer support and $140,000 a year in community services, and each church supported an average of four major programs in addition to informal and impromptu services. Poor children who were not church members or otherwise affiliated with the church benefited especially from the church-supported services, and, with only a few exceptions, these ministries did not make entering their buildings, receiving their services, or participating in their social-welfare outreach efforts contingent upon religious conversion or worship.

More recently, Cnaan launched a census of Philadelphia congregations and their involvement in social-service delivery. Thus far, following the same intensive field and survey research protocols that marked the previous study, he has gathered data on 1,376 of an estimated 2,095 congregations. He has found that 88 percent of the congregations provide at least one social service, and most provide two or more services. Again, the primary beneficiaries are neighborhood children and youth, most of whom are otherwise unaffiliated with the ministries that serve them. According to the census, about 40 percent of the city's churches, synagogues, and mosques already collaborate with secular and governmental organizations, and over 60 percent are open to working with government welfare programs.

What would it cost for government or other nonreligious organizations to replace the social services provided annually by community-serving ministries in Philadelphia alone? Estimating the value of their space at subpar motel rates, and the value of volunteer hours at sub-minimum wage rates, Cnaan arrived at a figure of $250,000,000. This is a very conservative estimate for two reasons: First, the calculation accounts for only five major services provided by each congregation (many provide more); and, second, the survey, and hence the calculation, deals only with congregations' services, and does not include those services provided by ministries that operate in-

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dependently of congregations.

How many such noncongregation "storefront" or "blessing station" ministries exist in urban America? These ministries are an important element of the religious ecology of urban neighborhoods that has yet to be systematically studied. All of the exploratory studies to date suggest, however, that the service contributions of blessing-station ministries may rival, or even exceed, those of the congregations.

In the late 1990s, two of my former Princeton undergraduate students, Jeremy White and Mary de Marcellus, spent several months in the poorest, most crime-ridden neighborhoods of Southeast Washington, D.C. They were attempting to find noncongregation-based ministries that provided children and youth with after-school safe havens, recreation centers, homework help, gang-violence prevention, or other services. They found over one hundred such ministries, most of which could not be located in the phone book or by any means other than being on the streets. As White and de Marcellus reported in a summary of their findings published by the Manhattan Institute, these ministries served about 3,500 children and youth on a weekly basis.

Like the congregations in the Cnaan surveys, the majority of the blessing stations in this exploratory study—even the most expressly evangelical ones—served young people who were not coreligionists, and did not make religious profession a condition of receiving services. All were led by a single, highly dedicated person of deep religious faith who sacrificed personally to get the ministry started, and did so with no expectation of outside help.

Public-private partnerships

The religious environment of urban life also includes contractual and other partnerships between government agencies and faith-based organizations. These partnerships play significant roles in community development, welfare-to-work programs, day care, and other areas. In June 2001, the U.S. Conference of Mayors unanimously resolved to stimulate further public partnerships with faith-based organizations, and over a hundred mayors have created local offices of faith-based initiatives. Some, including Baltimore's Martin O'Malley

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and Philadelphia's John Street, are making networks of local community-serving ministries integral to carrying out school reform and other policies.

What is known about such public-private partnerships as they relate to the justice system? In the mid 1990s, I became fascinated with the role of various Boston ministries in the city's criminal-justice system. Police and probation officers were working with preachers and religious volunteers in a variety of programs to monitor and mentor young men on probation, to identify middle-school children who were being recruited into gangs, to broker truces among competing drug lords and gangs, and to counsel prisoners and help find jobs for recent parolees. In each level of the justice system—prevention, intervention, and enforcement—and within each component of the administration (courts, police, corrections), cadres of Boston's ministers were found to be involved in official or unofficial partnerships with public agencies. What was especially striking about these partnerships was that the religious organizations were frequently involved in handling the most difficult cases. But as the social scientist's quip goes, the plural of anecdote is not data. The important question was whether the high level of collaboration taking place in Boston was typical or anomalous.

To determine this, I helped Public/Private Ventures launch in 1996 a national study of the interface between justice agencies and faith-based organizations. The aim was to examine the extent to which these agencies and organizations work together to serve youth already involved in violent or criminal activities, or who are high-risk candidates for such behavior. Field research on the project began in 1998 and, over the next four years, encompassed 16 cities. The subsequent report, *Faith and Action: Implementation of the National Faith-Based Initiative For High-Risk Youth*, concluded that in every city studied, the partnerships between justice-system agencies and faith-based organizations like those first seen in Boston are widespread.

Though hardly without financial constraints and other challenges, most of the faith-based organizations in almost every city were important participants in delivering one or more of the justice system's mentoring, education, employment, and

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life-skills services. They also performed street outreach, detention-center outreach, and court advocacy.

Consistent with the aforementioned research of Professor Cnaan, most of these programs welcomed children and youth and provided services without any preconditions regarding the beneficiaries' present or future religious commitments. Prayer and other religious practices and expressions did figure in some of the services, but participation was not required. Although these "faith-based practices" occurred more frequently when programs took place in churches rather than at a neutral site, not all programs that offered activities in their churches were found to have "a high salience of faith." Nevertheless, the systematic interviews conducted with district attorneys, other justice officials, and the youth themselves indicate that, if anything, most welcomed the use of religious vernacular and spiritual symbols.

Spiritual capital

As suggested in *Better Together*, the recently released final report of the Saguaro Seminar discussion series led by Harvard University professor Robert D. Putnam, much of the nation's social capital—"community connections of trust and reciprocity"—is spiritual capital produced by community-serving religious leaders, volunteers, and institutions. It is worth quoting the report's conclusions at some length:

> Houses of worship build and sustain more social capital—and social capital of more varied forms—than any other type of institution in America.... Roughly speaking, nearly half of America's stock of social capital is religious or religiously affiliated, whether measured by association memberships, philanthropy, or volunteering.... Faith gives meaning to community service and good will, forging a spiritual connection between individual impulses and great public issues. That is, religion helps people to internalize an orientation to the public good. Because faith has such power to transform lives, faith-based programs can enjoy success where secular programs have failed.

Many factors have been offered as explanations for the post-1993 decline in crime rates: better policing, longer prison terms, disrupted illegal drug markets, more restrictive gun-control policies, less restrictive gun-control policies, a sudden

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surge in the efficacy of prevention programs, the delayed effects of legalized abortion, and the immediate effects of a booming economy. Nobody, however, predicted these drops in crime, and no one has yet truly explained them. But rather than debate which of the usual-suspect factors, and in what proportions, were responsible for how much of the declines, I would suggest that we instead consider the contributions of spiritual capital in its organic, programmatic, and ecological forms.

In a 2001 article in the flagship academic journal *Criminology*, Byron Johnson reported preliminary evidence that the risk of illicit drug use associated with growing up in a neighborhood where crime and disorder are ever-present "can be mitigated by the adolescent's individual religiosity and related protective networks of social relations." But studies of crime and delinquency that factor spiritual capital into the analysis remain few and far between, and many questions are left unanswered. For instance, does living in a poor urban neighborhood that is rich in ecological religion have any independent effect on one's present well-being or future life prospects, including the prospects of avoiding engaging in or becoming a victim of crime?

We do not know, but we ought to find out. As James Q. Wilson has observed, "The chief federal role in domestic law enforcement should be to encourage and fund research," where "research" is understood chiefly to mean "evaluations of ideas about how to reduce crime." I would extend Wilson's remarks to include federal research on spiritual capital and how it can help to prevent teenage pregnancies, reduce public health problems, combat illiteracy, and achieve many other vital social goals. Such empirical research can serve to guide ongoing debates about whether government ought to cooperate with faith-based organizations or help fund sacred places that serve civic purposes.

Of course, better empirical research cannot resolve the entire range of questions that surround faith-based approaches to social and urban problems, or, for that matter, tell us precisely how to solve those problems. But organic, programmatic, and ecological religion represent three paths to social well-being that deserve far more intellectual and civic interest than we have yet shown them.

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How the terrorists get in

STEVEN A. CAMAROTA

IN the aftermath of September 11, a host of federal agencies have come under intense scrutiny. The Federal Aviation Administration, the Federal Bureau of Investigation, and the Central Intelligence Agency have all been charged with responsibility for failures leading up to the attacks. In each case, the culture within the agency, as well as its mission, policies, and procedures, has been examined in a variety of public forums. The Immigration and Naturalization Service (INS) has also been excoriated for several spectacular gaffs—most infamously, for sending notification to a Florida flight school that two of the hijackers had been approved as students six months after their deaths. But there has been no comparable effort to examine the failures of our immigration system. For example, all of the September 11 hijackers were issued visas, but there have been no extensive congressional hearings or investigations by the General Accounting Office or the Office of the Inspector General to determine whether the State Department, which issued the visas, erred in any way.

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Given the fact that the current terrorist threat to the United States comes primarily from foreign-born individuals, immigration services would seem to be an obvious area of inquiry. Of course, no immigration system can be completely foolproof, but it does not have to be. Even if only some of those individuals can be detained by our immigration system, it is possible that whatever conspiracy they are part of could be uncovered.

While they were the most destructive in American history, the attacks of last September were not the first carried out by foreign terrorists on U.S. soil. To gain a more complete picture of the threat and of the holes in our immigration system, we must examine acts of terrorism in this country over the last decade. Including the September 11 hijackers, 48 foreign-born militant Islamic terrorists have been charged, or convicted, or have admitted their involvement in terrorism within the United States between 1993 and 2001. In addition to September 11, the plots examined here include the murder of employees outside of CIA headquarters in 1993, the first attack on the World Trade Center in the same year, a plot to bomb the Brooklyn subway system in 1997, plots to bomb New York City landmarks in 1993, and the Millennium plot to bomb Los Angeles International Airport. Almost all of them have now been linked in some way to Osama bin Laden's al Qaeda organization. To be sure, other terrorist threats exist. However, because the threat it poses dwarfs that of any other terrorist group, foreign or domestic, the emphasis here will be on al Qaeda.

Entering every which way

In the wake of September 11, some observers have emphasized the mismanagement of temporary visas, such as those issued to students and tourists, because all of the 19 hijackers were originally allowed into the country on temporary visas. Others have argued that there is a problem with illegal immigration, because at least three of the hijackers—four if Zacarias Moussaoui, who the U.S. government claims was the intended twentieth hijacker, is included—had overstayed their visas and were illegal aliens at the time of the attacks. But in fact the danger cannot be isolated to one type of immigration. For-

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eign-born Islamic terrorists have used almost every conceivable means of entering the country over the last decade. They have come as students, tourists, and business visitors. They have also been lawful permanent residents (LPRs) and naturalized U.S. citizens. They have sneaked across the border illegally, arrived as stowaways on ships, used false passports, or been granted amnesty. Terrorists have even exploited America's humanitarian tradition of welcoming those seeking asylum. At the time they committed their crimes, 16 of the 48 terrorists considered in this analysis were on temporary visas (primarily tourist visas); another 17 were lawful permanent residents or naturalized U.S. citizens; 12 were illegal aliens; and 3 of the 48 had applications for asylum pending.

Even some government officials have mistakenly singled out one type of immigration as the source of the problem. During testimony before the immigration subcommittee in the Senate shortly after the September attacks, INS commissioner James Ziglar stated, "Immigrants are not terrorists.... The people that we are talking about, the hijackers, they weren't immigrants. They were nonimmigrants." While it is certainly true that the September 11 hijackers entered the country using nonimmigrant visas (also called temporary visas), the commissioner is incorrect if his comments were meant to indicate that permanent residents are not a source of terrorism. In fact, prior to September 11, most foreign terrorists were LPRs or nationalized U.S. citizens. Excluding the hijackers, more than half (17 out of 28) of the foreign-born Islamic terrorists in the last decade were persons living legally in the United States as permanent residents or as naturalized citizens.

Indeed, some of the worst foreign terrorists have been naturalized citizens. For example, El Sayyid Nosair, who assassinated Rabbi Meir Kahane in 1990, was one of the first militant Islamic terrorists to strike in the United States. A naturalized U.S. citizen, he was later convicted as a member of the larger conspiracy to bomb landmarks around New York City. Nidal Ayyad, a chemical engineer who provided the explosive expertise for the first World Trade Center bombing in 1993, was also a naturalized U.S. citizen. So too were Egyptian-born Ali Mohammed, who is widely regarded as having written al Qaeda's terrorist handbook, and Khalid Abu al Dahab,

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who has been described as "a one-man communications hub" for shuttling money and fake passports to terrorists around the world from his California apartment.

Lawful permanent residents (also known as green-card holders) have also played an integral role in terrorism. In all, 11 LPRs have been convicted or pled guilty to terrorist activities. These include Mahmud Abouhalima, one of the leaders of the first World Trade Center bombing, who became a legal resident after falsely claiming to be an agricultural worker, allowing him to qualify for a green card as part of the 1986 amnesty. Another LPR was Mohammed Saleh, who provided the money and the fuel oil needed to create the bombs for the massive terrorist plot targeting landmarks around New York City in the summer of 1993. The ringleader of this plot, Siddig Ibrahim Siddig Ali, was also a legal permanent resident.

The nation's humanitarian tradition of offering refuge to those fleeing persecution has also been exploited by a number of terrorists. Three of them had asylum claims pending when they committed their crimes. Sheik Omar Abdel Rahman used an asylum application to prevent his deportation to Egypt after all other means of remaining in the country had failed. Rahman inspired both the first World Trade Center attack and the plot to bomb New York City landmarks. Moreover, he is widely considered to be one of the spiritual leaders whose ideas helped to found al Qaeda. Mir Aimal Kansi, who murdered two CIA employees in 1993, and Ramzi Yousef, who was sentenced to death for masterminding the first attack on the World Trade Center, both had applications for political asylum pending.

While most foreign-born terrorists were in the country legally, either as temporary visitors, lawful permanent residents, or naturalized citizens, illegal aliens have also taken part in almost every major terrorist attack on American soil, including the first attack on the World Trade Center, the Millennium plot, the plot to bomb the Brooklyn subway system, and the attacks of September 11. Of the 48 Islamic terrorists in the last decade, 12 were in the country illegally when they committed their crimes. (It may also be more accurate to include asylum applicants in the category of illegal aliens, because all of the three terrorists discussed above had no legal basis for

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being in the United States and were awaiting the outcome of the asylum process.) Altogether, 19 foreign terrorists over the last decade were either illegal aliens at the time they engaged in terrorism or had lived in the United States illegally for an extended period before they committed their crimes.

How did all these terrorists get into the country? The plain fact is that they exploited weaknesses in nearly every part of the U.S. immigration system, from its visa-processing operations overseas, to control of the border and ports of entry, to green-card issuance. An examination of these problems reveals inadequate vetting of visa applicants, lack of cooperation among U.S. agencies and between the United States and foreign governments, failure to adequately police the borders, and a complete lack of interior enforcement.

Eyes wide shut

In a very real sense, Foreign Service officers are America's other border patrol. It is they who determine, in most cases, who is allowed into the country. Of the 48 terrorists considered here, 41 had at some point been approved for a visa by an American consulate overseas. Though we cannot expect that in every case the visa-processing system will quickly identify the terrorist applicant and prevent him from getting a visa, the fact that so many terrorists made it through certainly suggests that there are significant problems in the system.

The primary tool used in flagging terrorists is called the "watch list" or "lookout" system. It is a compilation of several million people who are not to be issued visas or otherwise allowed to enter the country. Currently, the database is composed of names, dates of birth, countries, and passport numbers rather than biometric identifiers such as photographs or fingerprints. The names of persons applying for visas are checked against the list. In some cases, procedural failures and outdated technology have caused the system to fail.

Probably the most infamous person to be mistakenly issued a visa is Egypt-born Sheik Omar Abdel Rahman. Although on the watch list, Rahman was issued a tourist visa because consular employees in Khartoum, Sudan, did not properly check the list. Although most large corporations had computerized

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their databases by the mid 1980s, most consular offices were still using microfiche to store and search names on the watch list. This made it much more likely that a name could be missed. Similarly, Ali Mohammed was placed on the watch list in 1984 but was still able to get a visa from an American embassy in Cairo. The list was not automated at the time, and his extremely common name may account for the oversight. Mohammed eventually married an American and lived in the United States for many years, working for al Qaeda and helping to plan a number of attacks. Learning the names of al Qaeda terrorists is an enormous intelligence challenge, but in the cases of Sheik Rahman and Ali Mohammed, whose links to terrorism were known, the system should have kept them from entering the country.

However, not all problems were the result of INS or State Department failures. In a number of cases, it appears that U.S. intelligence agencies or foreign governments did not inform the INS or the State Department that an individual might be a security risk.

Mahmud Abouhalima and Zacarias Moussaoui were both known to U.S.-friendly governments as individuals with links to terrorism. As a teenager in Egypt, Mahmud Abouhalima became involved with the outlawed al-Jama'a Islamiyya, an Islamic extremist organization. He had been under surveillance by the Egyptian government, and a number of his associates were imprisoned prior to his 1981 departure for Germany. But because his name was not on the watch list, Abouhalima was granted a tourist visa in 1985 by an American consulate in Germany. Zacarias Moussaoui's circumstances were similar. Moussaoui was known as a possible terrorist to French authorities, but his name was not on the U.S. watch list. And because France is part of the visa waiver program, which allows people to enter the United States and stay for up to 90 days without a visa, Moussaoui, a French citizen, was able to enter the United States easily.

For years the State Department and the INS have complained that the intelligence agencies and FBI have not been entirely forthcoming with the names of suspected terrorists, partly because they fear sources might be compromised. The case of Khalid al Midhar, who may have piloted American

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Airlines Flight 77 into the Pentagon, demonstrates the importance of information sharing. Al Midhar's terrorist activities were not known to U.S. authorities when he received his business visa in Saudi Arabia in 1999 or when he entered the country for the first time in January 2000. In January 2001, while al Midhar was out of the country, the CIA became aware that he was involved in the attack on the USS Cole the year before. However, his name was not placed on the watch list until August 2001. Unfortunately, he had already re-entered the United States in July. The fact that it took the CIA several months to put al Midhar's name on the watch list indicates that, at the very least, the agency considered the list a low priority. It must be pointed out that al Midhar's visa allowed for multiple re-entries. However, if his name had been on the watch list, an INS inspector at the port of entry might have detained him.

Welcome to America

While failure to update or administer the watch list properly is clearly a serious weakness in the immigration system, the way visas are processed overseas presents an even larger problem. Before Assistant Secretary of State Mary Ryan was forced out of office last July, the Consular Service had adopted a culture of service rather than skepticism, one in which visa officers are expected to consider applicants as their customers. Satisfying the customer—the foreign visa applicant—has become one of the service's most important goals, leading to pressure to speed processing and approve marginal applications. As one former Foreign Service officer has written, "State Department procedures call for supervisory review of refusals, but not issuances—thus, relatively inexperienced junior officers are trusted to issue visas but are second-guessed on refusals." Visa officers are judged by the number of applications processed each day and by their politeness to applicants rather than on their thoroughness in screening applicants.

The case of Lafi Khalil, who was involved in the plot to bomb a Brooklyn subway station in 1997, illustrates a number of problems with the way interviews are conducted overseas. In November 1996, Khalil received a transit visa from the U.S. Consulate in Jerusalem for travel through the United

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States to Ecuador. A subsequent investigation found that Khalil had been interviewed only briefly by a consular officer, and that the officer did not require him to produce a plane ticket for Ecuador nor to demonstrate that he had funds for the trip. The officer also did not consider requiring him to catch a connecting flight in "transit without visa" status, which would have required him to stay in the airport.

Khalil appears never to have had any intention of going to Ecuador. After he cleared immigration inspection, he boarded a flight to Syracuse, New York, and remained in the United States until his arrest in July 1997. Clearly, this would not have been possible had the consular officer attempted to verify Khalil's story or simply not granted him a transit visa.

While some terrorists received inadequate interviews, others never had any contact with a consular officer. At least three of the September 11 hijackers (Abdulaziz Alomari, Salem al Hamzi, and Khalid al Midhar) obtained their visas through a system called "Visa Express" used by the American consulates in Saudi Arabia, which allows applicants to submit their applications and supporting documents through a designated travel agency. Although the applications are reviewed at the consulate and the names are run through the watch list, the applicants are never interviewed by a consular officer. Without having an in-person interview, the issuing officer cannot be sure that the person applying for the visa is actually the person named in the submitted documents and application. All varieties of deception and fraud become much more difficult to detect.

The Visa Express system was set up to make things easier for Saudi Arabian applicants and to reduce the workload of the consulate. But such a system is completely inappropriate for a country like Saudia Arabia where, as was known even prior to September 11, a large share of the population was sympathetic to bin Laden's ideology.

Give me your terrorists

Inadequate or absent interviews have also rendered Section 214(b) of the Immigration and Nationality Act a much less effective tool for keeping out terrorists. Section 214(b) states that individuals who appear likely to overstay their temporary

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visas and try to settle permanently in the United States are not to be issued one. An applicant is supposed to demonstrate that he has a residence abroad to which he is likely to return, that his visit to the United States will be temporary, and that he has enough money to finance the visit and return trip.

Officers are trained to look for evidence of strong ties to the applicant's home country, such as family, a good job, and property, and to be skeptical of an applicant who fits the profile of someone who will overstay his visa. The criteria vary from country to country, but suspect individuals are generally young, unemployed or earning a low income, and unmarried. Individuals who apply outside of their countries of nationality should invite additional scrutiny, according to consular regulations and training manuals. Often these applicants are the ones who have difficulty establishing ties to their home country or to the country in which they now live.

Though designed to prevent illegal immigration, Section 214(b) also offers protection against the terrorist threat. Persons with families, property, and other commitments in their home countries are less likely to be part of a terrorist plot, especially one that involves suicide. Moreover, many senior members of Islamic extremist movements live outside of their own countries (often in the West) because the security services in most Muslim countries have crippled their organizations at home. Sadly, the provisions of Section 214(b) have been only weakly and sporadically enforced.

A number of the September 11 hijackers almost certainly should have been refused a temporary visa under Section 214(b). Ringleader Mohammed Atta was single, unemployed, and had lived in Germany and not his home country of Egypt for most of the 1990s. It is hard to see how he could have overcome the mandatory presumption that he would likely overstay the tourist visa he was issued. It appears that at least three other September 11 hijackers, those who provided the muscle to overpower the flight crews, should also have been denied visas under 214(b). Hijackers Mohand al Shehri, Majed Moqed, and Ahmed al Haznawi were all reportedly in their early twenties, unmarried, and had little income. The September 11 hijackers are not the only militant Islamic terrorists who should have been classified as individuals likely to over-

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stay their visas. Mohammed Salameh, who was involved in the plot to bomb New York City landmarks, was given a tourist visa in 1988, despite the fact that he was only 19 years old, unmarried, and reportedly making $50 a month in Jordan.

By land or by sea

Lax border enforcement have also facilitated the entry of al Qaeda terrorists. The nation's ports of entry are the places where people traveling by land, sea, or air legally enter the United States. These entry points are staffed by immigration and customs inspectors. Of the 48 terrorists considered here, 45 of them had contact with an inspector at a port of entry.

In some instances, inspectors have succeeded in preventing terrorists from coming into the country. The Millennium plot was averted when Ahmed Ressam was stopped by an inspector at the border—the officer thought Ressam looked nervous. And Ahmad Ajaj was placed in detention when an inspector at JFK airport realized he was trying to enter the country on a fake Swedish passport—although he still took part in planning the first World Trade Center attack from his jail cell. These cases show why careful inspection at the port of entry is critical to homeland security.

While such inspections have caught a few terrorists, the main tool used for identifying terrorists is still the watch list, to which inspectors at ports of entry have access through the Integrated Border Information System administered by the Customs Service. However, the names of people entering the country are often not checked against the list because of time constraints, limited personnel, and computer problems. At the Canadian border, most people crossing through are not checked against the list.

Since individuals entering under the visa waiver program have never had their names checked by an American consulate, it is crucial to do so at the port of entry. Still, some have asked why a person with a visa, who has been cleared by a consulate, should have his name checked each time he enters the United States. But as the case of September 11 hijacker Khalid al Midhar shows, an individual can be identified as a terrorist after he receives his visa but before he enters the country. For the system to be effective, the names of all

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persons entering the country must be checked against the list. There is no technological impediment to checking all names at all ports of entry, though doing so would require far more resources, including computer equipment, training, and personnel.

Inadequate computer systems, staffing, and training at ports of entry have also made it difficult to record arrivals and departures from the United States. Congress did pass legislation in 1996 to create an entry-exit database. But because of INS incompetence and significant opposition from the business community, the project went nowhere. As a result, the INS does not know whether foreign visitors admitted on temporary visas actually leave the country when their visas expire. There is no mechanism for tracking land departures, and the system for tracking arrivals and departures by air, which is how most visa holders travel, is largely nonfunctioning. The current practice requires foreign visitors to fill out a two-part form with their names, passport numbers, and destinations. The opportunities for failure are enormous: Airlines often neglect to collect the forms on outbound flights or forward them to the INS; visitors may enter by air but leave by land, leaving no trace of their departure; and the information on the paper forms may be illegible or be improperly keyed into the system by the INS contractor.

Obviously, time limits on a visitor's stay in the United States are only meaningful if we can determine whether the deadline has been honored. At least 13 of the 48 terrorists from the last decade overstayed a temporary visa at some point prior to taking part in terrorist activities. Had we had a functioning entry-exit system, we could have developed policies to go after those who overstayed their visas, perhaps disrupting one or more terrorist attacks over the last 10 years. The establishment of an entry-exit system is envisioned in recently passed legislation, but it remains to be seen whether it will ever be implemented.

Terrorists have also slipped into the country illegally. Several have sneaked into the country at our sea ports. Millennium conspirators Abdelghani Meskini and Abdel Hakim Tizegha both originally entered the United States as stowaways on ships that docked at a U.S. port. Crew members of

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cargo ships, stowaways, and those being smuggled into the country are all potential threats. Other terrorists have entered the country from Canada. After originally coming as a stowaway, Tizegha eventually went to Canada for a time before slipping back across the northern border. Gazi Ibrahim Abu Mezer (who planned to bomb the Brooklyn subway system) also tried to sneak across the Canadian border. Tizegha was captured only after he successfully entered the country and took part in the Millennium plot. Mezer, on the other hand, was caught three times between 1996 and 1997 trying to sneak into the United States. A Palestinian, Mezer had been turned down for a student visa in 1993 at the American consulate in Jerusalem. Yet he eventually received a Canadian student visa. On his third attempt to enter the United States illegally in June 1997, the Canadian government refused to take him back. The INS then paroled him into the United States and started deportation proceedings against him. If we improve our visa processing system but fail to strengthen our land borders, we can expect more cases like these.

The fact that the INS released Mezer into the United States points to anther deficiency—a lack of detention space for holding aliens arrested for violations of immigration law or whose asylum claims are being adjudicated. While the INS does contract space from local jails, at present the agency does not have enough funding to hold most aliens who are in deportation proceedings or who have asylum claims pending. This longstanding problem has allowed terrorists to remain at large in the United States. Ramzi Yousef did not have a valid visa when he arrived at JFK airport in September of 1992, but he applied for asylum and was paroled into the United States while his claim was adjudicated.

Mir Aimal Kansi, the murderer of two CIA employees in 1993, overstayed a business visa and later applied for asylum. Instead of being detained, he was issued a work permit for a year while his asylum claim was pending. (As part of reforms implemented in 1995, the INS no longer automatically issues work permits to asylum applicants.) As detailed above, attempted New York subway bomber Gazi Ibrahim Abu Mezer was also paroled into the United States in June 1996 because of insufficient detention space. This lack of detention space

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effectively makes the northern border meaningless.

Homeland security

A potential weapon in the fight against terrorism is the knowledge that many of the terrorists considered here violated America's immigration laws before taking part in terrorism. Twelve of the 48 terrorists were illegal aliens when they committed their crimes, and at least five others had lived in the country illegally at some point prior to taking part in terrorism. Moreover, at least five others had committed significant violations of immigration law prior to their terrorist acts. In addition to overstaying temporary visas and sneaking into the United States, terrorists have violated immigration laws in a number of different ways. Both Fadil Abdelgani, who took part in the plot to bomb New York City landmarks, and Khalid Abu al Dahab, who raised money and helped recruit new members for al Qaeda, engaged in fraudulent marriages to American citizens. Sheik Omar Abdel Rahman was able to obtain a green card by qualifying as a minister of religion using a false name. At least eight terrorists had held jobs for extended periods while living in the country illegally. This number includes several of those involved in the 1993 World Trade Center attack, the plot to bomb New York landmarks, and the Millennium plot.

The current immigration system has many points of weakness. It does not vigorously interview or carefully check the backgrounds of visa applicants. Nor does it enforce time limits on temporary visas. Fraudulent applications for green cards are often approved, and people in the country illegally are allowed to work, open bank accounts, and receive driver's licenses. The INS and consular officers are simply overwhelmed by the number of applicants they must process, and are stretched so thin that they cannot do their jobs. In additon, the nation's borders remain largely undefended. No system, of course, will catch every terrorist every time, but a more tightly controlled immigration system would greatly increase the chances that at least some of those involved in a large conspiracy like the September 11 attacks will be caught.

For our immigration system to be an effective part in the war against Islamic extremists, it does not have to become an

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antiterrorist operation. With the exception of improving the watch list, most of the problems identified above involve the mundane work of careful issuance of visas, developing a system to track the arrival and departure of foreign citizens, painstakingly verifying green-card applications and, most importantly, prosecuting those who violate the law. Failure to learn from past mistakes and to develop a better, more thorough immigration system will significantly increase the chance of another attack on American soil.

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Politics after the Internet

YUVAL LEVIN

IT is no longer in vogue, as it was just a few years ago, to gush breathlessly about politics in the age of the Internet. In the late 1990s, many commentators were convinced that a new day had dawned in the life of our republic. Some said direct democracy was just around the corner, as tens of millions of Americans in "chat rooms" would form, in one author's words, "a committee of the whole, made up of all citizens online." Others predicted enormous increases in voter participation, the rise of a more informed and active populace, and a decline in the importance of money in politics. It seemed for a moment as though everything was about to change, and for the better. That moment has passed, and the subject seems to have been dropped. It may be too soon to pick it up again in full. The influence of information technologies on our politics has not been playing out as anyone quite expected, and to say that we now know the shape of the future would be to repeat the mistake of earlier prognosticators. But by understanding the source of the error committed

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by the forecasters of the 1990s, we may be able to see farther than they did, if only by a little.

The cyber-utopians

Cyber-politics prophecy reached its height between 1995 and 2000. Writers in the genre ranged from communitarian liberals, who viewed the World Wide Web as a source of civic energy and unity, to libertarian futurists, who foresaw the dawn of a new age of direct democracy and individual power. Most analysts combined some features of each.

To the first group, the Internet seemed like a tool for building community and promoting civic activity. By opening up new sources of information and new means of participation, it would energize an American political system suffering from citizen apathy and cynicism. Political scientist Anthony Corrado predicted in his 1997 book *Elections in Cyberspace* that the Internet would bring about "a revitalized democracy characterized by a more active informed citizenry." Daniel Weizner of the Center for Democracy and Technology saw in the Internet "a vast new forum for political discourse and activism which allows genuine interaction between voters and elected representatives." Others saw the Web as a means of organization, of drawing in the politically disaffected. In his book *Netactivism,* Edward Schwartz wrote that the Internet was simply "the most powerful tool for political organizing developed in the past 50 years."

One consequence of the new Internet-based political activism would be the end of the two-party system. The rise of the Web, according to Corrado, meant that "in the future, the political system may no longer be dominated by the Democratic and Republican parties," as countless new political actors entered the field. Howard Rheingold, a student of the culture of cyberspace, argued that "the political significance of computer mediated communication lies in its capacity to challenge the existing political hierarchy's monopoly on powerful communications media, and perhaps thus revitalize citizen based democracy."

Some, including high-tech guru Esther Dyson, believed that this citizen-based democracy would have the most impact at

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the local level, where, as *Newsweek*'s Howard Fineman wrote in 1997, the Web would produce "an explosion of microdemocracy." But most analysts of Information Age democracy focused their attention on the federal government, where they foresaw a new era of citizen authority. In his 1997 book *Politics on the Nets,* technology expert Wayne Rash argued that in the age of the Web, "voters will have a voice that reaches directly to the highest levels of both parties and the government" and might have the ability to "bring accountability directly to bear on elected officials." British M.P. Graham Allen, writing in *Wired* magazine in 1995, expressed the same view, arguing that "new technology affords the possibility of cutting out the middle person and directly inputting our views into the national, regional and local electronic parliaments."

Indeed, direct democracy was a central theme of the cyberpolitics genre. The classic example is the 1996 book *The Electronic Republic*, written by Lawrence Grossman, a former president of NBC and PBS. Grossman argued that the Internet was "a modern day extension of Jeffersonian participatory democracy," and that through the Web, citizens "are increasingly involved in day-to-day decision-making alongside the president and Congress." Former Clinton advisor Dick Morris wholeheartedly agreed in his 1999 book *Vote.com.* "In the new era," Morris wrote, "Congress will have to listen to us."

For Morris, the fact that politicians would now be held to account by the people also meant that the power of big-money lobbyists in Washington would dwindle. As the public moves onto the Internet in greater numbers, Morris argued, "money will lose most of its power in our politics." Wayne Rash agreed in more sober tones, writing that the Internet "drops the price of entry onto the political stage to a level that nearly everyone can afford," making big money less of a factor.

But Morris and others also saw much more over the horizon. The Internet would not only energize and purify the American system of representation but would actually begin to replace it. Morris wrote that "the incredible speed and interactivity of the Internet will inevitably return our country to a de facto system of direct democracy by popular referendums." This view appealed especially to those with a libertar-

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ian bent. In 1995, *Reason* magazine's Washington editor Rick Henderson pointed to electronic citizen lobbying and announced that "a new form of activism is shaking the political establishment, and it may crumble congressional and regulatory fiefdoms." Futurists Alvin and Heidi Toffler also foresaw the decline of representative government, while Ted Becker and Christa Slayton predicted the rise of "televoting," electronic town meetings, and direct democracy.

Analysts all along this continuum—from those who saw the Web bringing new life to American representative politics to those who saw a modern rebirth of direct citizen rule—shared the general conviction that big change was in the works. And yet, somewhere toward the end of the 1990s, the flood of enthusiastic predictions dwindled down to a trickle, and the excitement over the age of cyber-politics began to subside. This drop in interest seems to have resulted from the fact that the great changes the enthusiasts had predicted were slow in starting, and seemed increasingly unlikely to come at all. In her 1996 book *Electronic Democracy*, Graeme Browning reported the then-common opinion that the Internet would play a decisive role in the 2000 presidential election. Few would now argue that it did, or even that it will in 2004. So what happened? How is it that these predictions have not been realized and that fewer and fewer analysts repeat them? Where did they go wrong?

Why the revolution did not come

On their face, the predictions of a new world of cyber-politics were not entirely ridiculous. After all, information technologies make information more widely available and communication easier, and almost everything in politics has to do with information and communication. A functioning democracy requires an informed electorate, and it seems sensible that a new means of providing access to information might greatly help citizens stay informed. An election campaign aims to convey ideas and arguments, and it seems only reasonable that a new and more efficient way to communicate might radically reshape campaigning. Empowered by the Internet and the personal computer, citizens could now know more, participate

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more, and influence the system more directly and effectively.

They could, but would they want to? The failure to ask this simple question explains why the cyber-politics experts greatly overreached in their predictions. The proposition that information technologies would address what are generally seen to be some of the deepest problems of our politics (e.g., apathy, the power of special interests, "soft money," low participation and voter rates) assumes that these problems result from poor communication or lack of information. They do not. Most citizens know very little about politics not because such knowledge is hard to find but because they have no interest in finding it. Most constituents never contact their members of Congress not because contacting them would be too difficult but because they do not want to contact them. Voter turnout is low not because it is hard for people to vote but because they choose not to vote. For the Internet to change any of this, it would have to increase people's interest in politics, and there is little reason to think it will.

Indeed, rather than bring massive change, information technology is likely to further recent trends in political life. The Internet makes it easy to know more about whatever one is interested in, but by itself it does not change one's interests. Today, the people who actively participate in politics are those who are interested enough to do so. Information technologies will make it easier for these people to be involved, and will therefore likely make them even more so. For those people with little interest in politics, the Internet will make it easier for them to become more engaged in their own particular areas of interest, leaving them even less time for politics. The Internet does not simply offer us information, it offers us our choice of information. Most of us choose to become better informed about, and more active in, those areas that are already of interest to us. The Internet gives us the power to do more, but it does not of itself change what we want to do.

This suggests that for the political world, the age of the Internet means largely more of the same. But more of the same is not exactly the same. Some features of our government are certainly shaped by difficulties in communication, and these are likely to change. In some cases, the change will

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be for the good. The inefficiency of government agencies is partly caused by their complicated procedures for moving information. Already the Internet is making it easier to flatten these hierarchies and make them more efficient. Moreover, some elements of the bureaucracy exist exclusively to distribute or exchange information. The clerk at the Department of Motor Vehicles takes information that you write on a form and enters it into a computer. The mailman delivers information door to door. Once a few technical problems of authentication and security are resolved, these sorts of functionaries will become far less necessary, and the bureaucracies that surround them could become less cumbersome. Tracking down grandma's social security check will be easier in the age of cyber-government.

But these improvements have more to do with administrative services and the bureaucracy than with politics. They have few parallels in the realm of electoral politics and representation, because difficulties here are generally unrelated to exchanging and accessing information.

A common example will help make this point. Some analysts (most notably Dick Morris) have suggested that information technologies will help ease the problem of money in politics. Since it will be easier for candidates and voters to reach one another, they argue, expensive political advertising will become less necessary, and therefore the costs involved in campaigning will decline dramatically. This argument again misses the difference between changes in what we *can* do and changes in what we *choose* to do. Most campaign funds today are spent on television commercials. These commercials are necessary because many voters are not sufficiently interested in being informed about the election to seek out information on their own. To get their attention, a politician must interrupt their favorite television program with a campaign ad. Since the Internet will not make Americans more interested in politics, it will not diminish the need to reach voters who do not wish to be reached. Communicating with such voters is expensive, and the proliferation of sources of information will make this task not less expensive but more so. The money problem in politics is, at its heart, a result of political apathy, and the Internet will not cure this ailment.

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Worlds of our own making

Strangely enough, while difficulties in communication and shortages of information do not cause many of the bad things about our politics, they are behind several of the good things. These may be undermined—though only in quite subtle ways—by the dynamics of the Information Age. It seems odd to say so. After all, how could greater access to information and greater ease of communication be detrimental to a democracy? Under what circumstances are difficulties in communication good? I will suggest three such circumstances.

The first has to do with the political consequences that come with an abundance of choice. Those who wanted to be informed about politics before the dawn of the Information Age had to work somewhat to obtain information. In the process, they were often exposed to influences they might not have actively sought, and these tended to enrich their experience and their knowledge. The difficulties involved in obtaining and communicating information thereby indirectly enriched our political discourse.

The Internet, however, allows us to access precisely and almost exclusively those influences that we wish to access. Indeed, this is one of the best things about it. Through the Internet we seek out information that we believe is important, rather than settling for what the editor of the evening news or the *New York Times* thinks is worthy of our attention. Vast amounts of information are available on the network, and users can search out exactly what they want—be it information, entertainment, opinion, statistics, or a chat with a stranger. But this greater control raises a new problem: How will we know what to want? If we are not exposed to things we did not seek out, how will we know what those unlike us are thinking, or what other options exist?

That question puts the matter too starkly, to be sure. Very few of us could be so insulated from outside influences that we would truly live in a world of our own making. But if we come to rely more and more on customized Internet sources for information, we do run the risk of subtly diminishing the number and types of ideas to which we are exposed, thereby limiting our experience of new and different ways of thinking.

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We might increasingly come to be swaddled in our own preferences.

Many users of the Internet would argue that this has not been their experience. The vast amounts of information on the Web and the ubiquity of hyperlinks instantly connecting readers to other sources and sites expose users to a broad range of opinion. Many of us have certainly learned things online that we would never have thought to inquire about. But we have done it all by our own direct selection, and so our pre-existing interests have still defined our range of exposures. The virtual world of the Internet does not force us into contact with others, and therefore does not force us to expand our horizons. Unsought exposure to new ideas does not occur only when we run across some interesting articles as we flip through the morning paper in search of our favorite subjects. It includes individuals and ideas we encounter on the street corner, on our way to mail a letter or to do any of the other things that the Internet will make unnecessary. The world of the network isolates us even as it connects us. While it brings us into contact with others in the virtual reality of cyberspace, it leaves us all sitting individually at our desks in the real world. Exposure to new ideas is often a byproduct of something else we are doing in the real world, and when we come to do less in that world, we will have less such exposure.

This problem was analyzed in *Republic.com*, another of the cyber-politics books of the past few years. Its author, University of Chicago law professor Cass Sunstein, wondered if the world of "see only what you want to see, hear only what you want to hear, read only what you want to read" could be good for our politics. Democracy, he argued, "depends on shared experiences and requires citizens to be exposed to topics and ideas they would not have chosen in advance." But Sunstein vastly exaggerates the magnitude of the problem and its consequences, and therefore ends up proposing solutions that range from the overbearing (mandatory "must carry" rules for partisan Web sites requiring them to link to political opponents) to the downright absurd (government-subsidized "deliberative domain" sites to encourage on-line discussion). The fact is that some degree of greater isolation of individuals into worlds of their own making will be unavoidable, given the enormous

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power to define one's own experience in cyberspace. It will not mean the end of deliberative politics, and it does not call for government action, but it may lead to a certain hardening of interests and a kind of overspecialization of the citizen. Our new ability to inform ourselves may, ironically, make us less informed about matters beyond the bounds of our most active interests.

The politics of size and place

A second way in which our politics may have benefited by difficulties in communication was noted by James Madison as among the greatest attributes of the American republic. Creating a single republic over a nation the size of the United States (even in 1787) was the true political miracle of the American Constitution. Such a feat had been, in no uncertain terms, declared to be impossible by the greatest political minds of Western civilization. Republics had worked only in small communities with simple, homogenous interests; a large republic, it was thought, would be too unwieldy. The multiplicity of interests would create a multiplicity of factions, and the nation would be too large to properly contain them. Such a republic, it was reasoned, would be subject to constant civil strife.

Madison turned this logic on its head. In *Federalist* 10, he argued that the vast size of the nation was precisely what would contain the power of factions. "The influence of factious leaders may kindle a flame within their particular States," Madison wrote, "but will be unable to spread a general conflagration through the other States." The nation would simply be too big for citizens to communicate adequately with one another across the country. Because communication would be difficult, nationwide factions would not form, and local factions would do little harm on a national scale.

This may seem like a terribly arcane and ancient problem to be bringing up in a discussion of the Information Age. After all, technologies of transportation and communication have been shrinking the distances between the states since the nation's earliest days. In 1833, Madison himself remarked that "the improvements already made in internal navigation by canals and steamboats, and in turnpikes and railroads, have

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virtually brought the most distant parts of the Union, in its present extent, much closer together than were the most distant parts of a much smaller Union at the date of the Federal Constitution of 1787." But information technologies will make cooperation across distances by relatively small groups far easier than it has ever been. We have already seen some examples of this. The often violent demonstrations that now regularly accompany meetings of world leaders and financial institutions would not be possible without the organizing power of e-mail and the Internet. The F.B.I. has shown that white supremacist groups have also effectively used the Web to organize members nationwide. And, of course, less sinister interest groups have done the same, building up far more effective political organizations than they could have developed before the age of the Internet.

Moreover, the Information Age not only makes distances smaller, it also tends to make geography increasingly irrelevant. The federal system is founded on the assumption that place matters. It is designed to channel the interests of different states and regions into national consideration. But the logic of the Internet undermines that assumption.

Consider one small example of this problem. Members of Congress receive a great deal of mail. Generally, when a letter arrives, it is categorized based upon its geographic origin. If the return address or postmark identify it as having come from the member's district, it is opened and dealt with promptly. If it did not come from the district, it is put aside. It may be read later (or it may not be), but it will probably not receive a response. In this way, the system takes heed of geography, which after all is the organizing principle of the American system of representation. But what if there is no way to know if a piece of mail has come from the member's district? With regular mail, you can always tell where a message has come from by the postmark. But with e-mail, you can never know unless the writers choose to tell you, and even then you cannot be certain they are telling the truth. And indeed, interest groups and lobbyists use e-mail to overcome the geographic character of the system and bombard particular members of Congress with what seems like constituent pressure but often is not.

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If more of our politics comes to take little heed of place, the structure of the representative system will be undermined. This, together with the ease of collaborating across great distances, may tend slowly to undo what Madison considered the most important safeguards in the federal system. These are subtle problems, which cannot be "fixed" by blunt government action. But they indicate how information technologies may over time alter the delicately nuanced balances that allow the American system to function.

Haste makes waste

A third way in which the Information Age may create difficulties relates to the pace of politics. Put simply, politics will largely be more of the same, but *faster.* Information technologies eliminate obstacles and reduce frictions in the various stages of political action, and this means that political action will tend to be more immediate. Political leaders may not be more decisive, but they will be subject to a more furious flow of information, interests, and pressures. Leaders and citizens alike will need to act with greater speed to keep up, and both will be forced to make hastier judgments.

There are certainly situations in which faster is better. A system quicker to react to pressure is more responsive and more representative. And since events in general now seem to move faster than ever, it may be good that our political system can keep up. But for most political deliberation and thoughtful policy making, faster is not better. The delays that occur at every step of the American political process give us time to think and rethink, to reason, consider, and decide. They allow time for opposing views to be raised, for research to be conducted and presented, for perspectives to change and true priorities to become clearer. By drastically diminishing the element of time in politics, the Internet will lead to careless decision-making. The shrinking "sound-bite," which tends to suck the content out of media coverage of political issues, has already given us a sense of what the loss of time can mean in politics, and the instantaneity of the Internet threatens to make this condition worse.

Consider one form of the instant decision: "instant polling dials." Voters are placed in a room and asked to move a dial

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in response to what they hear the candidates say. They must react instantly, and thus their responses are pure gut reactions. The results, displayed as lines upon the screen, are said to be indicative of voter attitudes. The assumption behind this method is that the instant reaction, not the reasoned judgment, is what counts. In the Information Age, this assumption may grow increasingly true.

Another example of the quickening of politics in the Information Age—and its mixed consequences—can be found in the first real new political institution of the Internet: the "blog." Many blogs—or "web logs," on-line diaries and sites of instant commentary and opinion—are homes for genuine political reflection. And in their interactions with one another, bloggers sometimes resemble a genuine community of citizens. However, this burgeoning institution embodies many of the Internet's deficiencies: It often has the feel of an echo-chamber; it is placeless; and it thrives on instant responses to the latest events. Above all, blogging is immediate. This is part of its charm, for both the writer and the reader. But it is also its greatest drawback as a forum for political discourse and action. Blogging is a new outlet for political opinion, but for the most part it is unreflective opinion. Insulated from refining influences and institutions and unconnected to the direct political life of any particular place, blogging is mere instantaneous reaction. But the institutions of political life exist, to a great extent, to mediate, and hopefully to elevate, public opinion. This is why their practical effect is often to slow things down, and why the rise of unmediated institutions like blogging is a mixed blessing at best.

The narrowing of interests and the shrinking of distances will further intensify the quickening of our politics. Those citizens who are interested in politics will know just what they want and will demand it right away, and a system free of the shackles of distance and place will respond quickly to such demands.

The framers of the Constitution certainly perceived a need for dispatch and energy in government, and the system they designed reflects that concern in some respects, particularly in its relation to foreign nations. But at the same time, they understood the danger of too much speed in politics. In its

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internal operations, the American system seems designed to work at a snail's pace, to avoid, as Alexander Hamilton put it, "haste, inadvertence and a want of due deliberation." The politics of the Information Age will break down these barriers to haste.

An old solution

So what is to be done? The honest answer is not much. The new information technologies do not pose a mortal threat to our republic, and most of the usual clever political remedies would do more harm than good. Rather than outline detailed remedies, we should reflect upon the fact that the problems raised by the Internet—intellectual isolation, the demise of distance, and an undue haste in our politics—are not entirely new to America. All of them point us to the greatest teacher on the subject of American political life, Alexis de Tocqueville.

The isolation of the Internet-empowered individual carries with it echoes of Tocqueville's fears of a corrosive democratic individualism. It is the technological version of what Tocqueville describes as that "mature and calm feeling, which disposes each member of the community to sever himself from the mass of his fellows and to draw apart ... so that after he has thus formed a little circle of his own, he willingly leaves society at large to itself." Internet-empowered citizens draw a circle not so much around those who are near but around those ideas and individuals they decide to seek out. This process can, to borrow more of Tocqueville's words, "throw him back forever upon himself alone and threatens in the end to confine him entirely" within himself.

Tocqueville's solution to the problem is the involvement of citizens in the political affairs of their communities, which can be achieved by enhancing the power and authority of local governments. This will draw individuals out of their isolation and into contact with one another to exercise that power. "It is important to understand," Tocqueville writes, "that, in general, men's affections are drawn only in directions where power exists ... the New Englander is attached to his township not so much because he was born there as because he sees the township as a free, strong corporation of which he is part and

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often which is worth the trouble of trying to direct." Strong local government, with a genuine power to make decisions that affect the lives of its citizens, will in small, quiet ways encourage people to participate. In the process of participating, individuals will be increasingly exposed to the real political world. "Local institutions," Tocqueville further states, "bring men constantly into contact, despite the instincts which separate them, and force them to hear and to know and to help one another." Local government would be a subtle treatment for the subtle isolation of the Information Age citizen. By devolving greater authority to states and (especially) localities, for instance in matters of education or welfare, we might draw the politically engaged away from their desks and toward the town hall. There they will find themselves exposed to political and intellectual influences that they did not select in advance.

Local government is also, and much more obviously, a way to make place and geography newly relevant. If local governments were given more authority to make real decisions, the focus of those who are interested in politics would shift down to that level. Powerful special interests would find it more difficult to exercise their influence in countless local venues than in one capital city. And of course, anyone who has seen a town council debate knows that letting localities take over more of the work of government is a surefire way to slow down our politics. The rise of the Internet can only serve to remind us of the importance of devolving political power to states and localities.

The most disconcerting feature of the Information Age is its tendency to separate citizens from place—from real neighborhoods and communities where the hum and drum of daily life takes place. These communities are, after all, where politics must of necessity occur. This is the key to what should concern us about the age of cyber-politics: the replacement of some elements of the real political world with virtual substitutes that can tend to blind us to the connection between politics and polities, and therefore to the real purpose of politics, and to its most appropriate and most important uses.

I do not mean to paint too dark a picture of the future. The political difficulties introduced by the Information Age

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will not bring about the demise of democracy or the end of deliberative politics. Indeed, they will not bring all that much change, good or bad. The essential purposes of government, and the very basic social and cultural forces that shape the political system, will not be transformed in a flash of electricity. But in preparing for the future, anticipating difficulties is often the most vital task. In that spirit, the coming of the Information Age suggests to us several imperatives: to seek ways to avoid intellectual isolation, to contain powerful interest groups, to make location and place newly relevant, and above all to slow things down and think them through.

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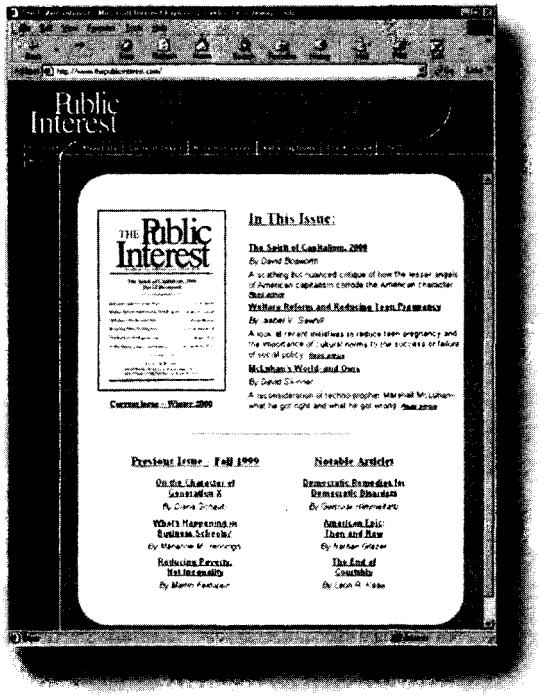

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Guns in the U.S. and U.K.

JEREMY RABKIN

GUNS and Violence: The English Experience† was clearly intended as a contribution to the ongoing American debate about gun control. Several years ago, Joyce Lee Malcolm, an historian at Bentley College, published a careful study of the English legal background to the U.S. Constitution's Second Amendment. That book lent support to the claim that America's Founders intended to safeguard an individual right to own guns. In her new book, Malcolm offers a wider historical survey, which strengthens the policy case for private gun ownership. She also offers intriguing hints about why American policy in this area differs so much from the English (or general European) consensus.

Most of *Guns and Violence* is a chronological survey of crime patterns in England since the High Middle Ages. The big picture is fairly clear: Century by century, as guns became more widely held, violent crime declined. In the decades since the Second World War, as British law limited private gun ownership and largely disarmed the population, rates of violent crime have increased dramatically. A long concluding chapter of the book sharpens the point: Over the past two decades, as gun ownership has become more prevalent in the United States, violent crime has steadily declined here. Meanwhile it has continued to climb in Britain, amidst nearly total bans on private gun ownership.

Malcolm cites many studies purporting to make sense of this pattern. Economist John Lott, in a survey of all American counties between 1977 and 1996, found strong correlations between the advent of laws allowing citizens to carry concealed weapons and a decline of violent assaults on citizens. Other studies have found that while half of all burglaries in Canada and Britain target houses where someone is at home,

† Harvard University Press. 340 pp. $28.00.

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the comparable figure in the United States is just 13 percent. Surveys of convicted felons in the United States confirm that most are quite leery of confronting a victim who may be armed. And surveys of the general U.S. population indicate that each year there are hundreds of thousands of episodes of "defensive gun use," in which respondents claim to have averted a crime or saved someone from attack by displaying a firearm —in most cases without actually firing.

Nor, according to Malcolm's evidence, does the United States pay a high price for these crime-control benefits. Fatal gun accidents among children are very rare: More than twice as many children die each year from bathtub drownings. Guns do not, by themselves, turn family disputes into scenes of carnage among otherwise law-abiding individuals: Of those convicted of gun-related murders, 90 percent have prior criminal records, involving four or more felony arrests.

As Malcolm acknowledges, however, gun-ownership rates are only one element in the overall crime pattern. Wider cultural patterns also make a difference. In the United States, violent crime is five times more likely to be committed by blacks than whites. The same relation holds true between blacks and whites in England, though the overall proportion of whites is much higher. Meanwhile, overall rates of violent crime in England and Wales had surpassed those in the United States by the late 1990s, but murder rates in the United States remained more than five times higher. Higher rates of murder in the United States are not simply a reflection of racial disparities; nor do they depend, one way or the other, on guns. American cities also witnessed more lethal violence two hundred years ago: "Even without guns," an English researcher found, "New Yorkers still managed to outstab and outkick ... Londoners by a multiple of 5.6."

Some of the contemporary difference, according to Malcolm, reflects differences in reporting techniques. Federal authorities in the United States have, for decades, classified incidents so as to magnify the "crime problem," while British authorities seem to have had the opposite impulse. American "homicide" figures include defensive uses of force, for example, even when subsequently endorsed by prosecutors or juries, while English statistics carefully weed out every case that can be reclassified. Rape rates—where the U.S. statistics still suggest a much larger problem than in Britain—may actually be comparable, when

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adjusted for different methods of record-keeping.

Overall crime figures probably respond more to public crime-control measures than to private action by gun owners. Over the past two decades, the United States has moved quite aggressively to prosecute and imprison those guilty of street crime, while Britain has, by comparison, taken a more lenient approach. That might be enough to explain most of the disparities. But Malcolm still offers plausible evidence that the availability of guns has helped Americans to defend themselves. Clearly, many millions of Americans believe that gun ownership improves their security. Almost half of American households now have a gun. The majority of owners are middle class, married, and law-abiding. Guns are more prevalent in rural areas and in the South, but the proliferation of guns in northern cities and suburbs indicates a widening respect for the defensive value of gun ownership.

THE interesting question is why this view is not shared in Britain. Or perhaps that is the wrong way to put it. As Malcolm notes, three-quarters of American newspapers support gun control, and elite opinion in many parts of the United States leans toward the prevailing British view. So the question is why elite opinion has succeeded in disarming the British people while the policy ambitions of gun-control advocates in the United States have been generally frustrated. These are not Malcolm's main questions, but her historical survey is nonetheless suggestive.

In broad terms, attitudes toward firearms seem to have been rather similar on both sides of the Atlantic until well into the twentieth century. American pioneers may have faced special dangers on the western frontier, but medieval Englishmen faced daily threats of violence on a comparable scale. Medieval juries appreciated the point, it seems, and rarely returned convictions when the accused could plausibly claim to have killed in self-defense. Indeed, until the mid nineteenth century, England was like the American frontier—like American cities, for that matter—in leaving citizens to defend themselves. There was, for example, no organized police force to make regular patrols.

Gun-control efforts in the twentieth century reflect a new willingness to rely on government policing for security. Part of the motive, according to Malcolm, was a fear that armed workingmen—returning from the world wars with guns and with

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training in their use—would pose a revolutionary threat. This concern was shared in the United States. Malcolm quotes the 1940 report of an American general questioning whether the experience of the British Home Guard could be applied to the United States. He warned that arming workingmen in New York or Pittsburgh would be very dangerous. Gun-control measures in the United States were most severe in cities with many immigrants and in southern states, where blacks were generally disarmed.

BUT, while Britain plunged forward, the United States never pursued systematic gun-control measures. One difference may be the effect of constitutional safeguards. Though Second Amendment claims have rarely been litigated (and still more rarely with success for gun owners), the mere existence of this constitutional guarantee inspires advocates of gun ownership with greater confidence—or with intense indignation at supposed threats to their constitutional rights. The parallel language in Britain's 1689 Bill of Rights was readily disregarded, as the doctrine of parliamentary supremacy leaves such statutory assertions of "rights" subject to ready revision. As Malcolm notes, recent crime-control measures in Britain have cut back on guarantees of trial by jury, protections against double jeopardy, and other historic safeguards in ways that would be unthinkable in America, because of the Bill of Rights.

Another reason for the differing policy outcomes may be the far greater centralization of power in Britain. An American president does not have the control over Congress that a British prime minister has over his majority in Parliament. But the difference goes deeper. Most gun-control measures in the United States are enacted and enforced at state and local levels. In many states, legislative momentum has been on the side of gun advocates: Over the past two decades, 33 states have enacted laws authorizing the carrying of concealed weapons. Most of these states have also enacted laws requiring the nondiscretionary issue of gun permits to citizens meeting statutory eligibility standards. Gun control may have strong support in New York and a few other large states, but this fact does not prevent most other states from moving in the opposite direction.

Still, if there were a national consensus for gun control, chances are the United States would enact laws to constrain gun access—and chances are the Supreme Court would be

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pressed to reconcile such restrictions with the Second Amendment. So the difference, in the end, seems attributable to broader differences in national character. Despite elite calls for gun control, most Americans remain broadly sympathetic to private gun ownership while most Britons think it is best to leave security to the government.

MALCOLM shows that the self-protection doctrine, clearly articulated by Blackstone and other eighteenth-century English writers, was still explicitly insisted upon by Victorian liberals. After all, the primacy of self-defense was the original liberal doctrine. John Locke's *Second Treatise* defended lethal force as the proper response to mere robbery: It is "lawful for a man to kill a thief who has not in the least hurt him, nor declared any design upon his life, any farther than ... so to get him in his power as to take away his money.... I have no reason to suppose that he who would take away my liberty would not, when he had me in his power, take away everything else."

But while British governments in the eighteenth and nineteenth centuries acknowledged the individual's primary right of self-defense, governments in continental Europe were anxious to keep civilian populations disarmed. The appeal of tight gun control in twentieth-century Britain has been connected with the growing ascendancy of European doctrines regarding the primacy of the state. Populations taught to rely on the state for an increasing range of services were easily persuaded to place fuller reliance on government for control of crime. So the question of why there is little gun control in America might be viewed as a special case of that hardy chestnut: Why has there been little support for socialism in America?

Even viewed in these terms, however, the question might more profitably be turned around. The socialist faith has been steadily on the wane in Europe because state authorities disappointed the dreams of socialist voters. In Britain, as elsewhere in modern Europe, governments have not done well in controlling crime. Why hasn't there been a revival of opposition to British—or general European—controls on the private ownership of guns? As with other matters of private initiative, Europeans might learn something from the American experience with private gun ownership.

But in this area Europeans probably don't want to learn. In recent years, European cities have become prey to epidemics

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of immigrant violence. That governments have tended to deny or ignore the problem may reflect the fact that Europeans prefer living with violence to arming for self-defense. That would be in keeping with European history, as the American pattern is in keeping with American history. In that sense, Joyce Malcolm's book is one more indication of the Europeanization of Britain. What Americans take to be natural—such as the natural right to self-defense—is not at all natural for contemporary Europeans, not even in the country where the language of modern natural rights originated.

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What's at stake in biotech?

WILLIAM A. GALSTON

WHILE the fall of the Berlin wall and collapse of the Soviet Union have relegated George Orwell's *1984* to history's dustbin, the other great dystopian tract of the twentieth century, Aldous Huxley's *Brave New World*, is more timely than ever. The genetic revolution of the past several decades has apparently given us the ability to transform the human species itself.

This new power has raised hopes that we will successfully address a range of genetically based problems that afflict our species. It has also evoked fears that we are on the verge of a "posthuman" future in which norms derived from human nature will be set aside. Some worry that the posthuman age will be hubristic, even Promethean, reveling in unfettered self-creative liberty; others fear just the reverse, that it will lower our aspirations by tempting us to place comfort, health, and longevity above more exalted and less self-regarding aims. The spirit of both Nietzsche's "overman" and his "last man" hovers over this discussion.

The question is whether we will have the moral and political wisdom to avoid these two extremes in our use of the new biotechnologies. This question depends, in turn, on our ability to think clearly about the most fundamental issues involved and to draw clear, defensible lines between what is to be permitted and prohibited. Neither of the books under review is blind to the difficulties of this enterprise, but both are confident about achieving the requisite intellectual and moral clarity. Both reject scientific and technological determinism, affirming instead our capacity to exercise control over the direction of science. Both are cautiously optimistic about translating moral clarity and collective preferences into workable policies and institutions.

William Kristol and Eric Cohen have edited a reader, *The*

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Future is Now: America Confronts the New Genetics,† that aims to present fairly many sides of a complex issue. In the main they have succeeded. Speeches and op-ed pieces are included that amply document recent public debates over human cloning and stem-cell research. But what distinguishes this volume is the inclusion of classic articles by Gilbert Meilaender, Paul Ramsey, and Leon Kass, among others, that raise deeper questions often presupposed but rarely discussed.

In one essay, Meilaender offers a suggestive approach by considering biotechnology along the lines of the theory of just war developed by Michael Walzer. According to Walzer, we can consider the conduct of war along two dimensions, ends and means. The pursuit of some ends through war is permitted, others forbidden. Even when the ends are just, however, not all means may be employed in their pursuit. Meilaender applies these insights to biotechnology. If we grant that the Baconian goals of natural science—increasing knowledge and improving the human condition—are appropriate, there may nonetheless be compelling arguments against the use of certain means to those ends, such as experimentation on non-implanted human embryos. The claim that X will yield progress toward curing dread diseases does not in itself warrant the conclusion that we ought to do X, although scientists and legislators seem to believe it does.

SEVERAL authors in this volume regard this emphasis on means as diversionary. The most important issues, they argue, concern the ends of biotechnology. Both Meilaender and Kass question the modern secular emphasis on the relief of suffering and the prolongation of life. Writing from a Christian perspective, Meilaender rejects the modern contention that "suffering has no point other than to be overcome by human will and technical mastery" in favor of a compassion that means a "readiness to suffer with others." Writing from a broadly Aristotelian stance, Kass rejects the desire for immortality, which he sees as the telos of the desire to extend life. Our mortality, he contends, is the basis of much that is good and worthy in human life, including virtue and moral excellence.

While such questions are profoundly challenging, one may wonder whether sailing against the winds of modernity will be possible in practice. It is hard to believe that Christian argu-

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ments about the meaning of suffering will prevail against the deep desire of most Americans to minimize suffering. Nor does it seem likely that meditations on the advantages of mortality will quench our desire for ever-longer and healthier lives. Mother Theresa and Achilles may inspire us, but they are unlikely to serve as models for reshaping most Americans' moral lives. Those interested in forging an effective coalition against unlimited genetic engineering would be well advised to focus on its questionable means rather than on its professed ends, which a vast majority of Americans will continue to accept without question.

IN *Our Posthuman Future: Consequences of the Biotechnology Revolution*,† Francis Fukuyama seeks to develop a principled middle way between the extremes of scientific libertarianism and an unrealistic idealism. Part I offers a useful and lively review of recent developments in brain science, neuropharmacology, the prolongation of life, and genetic engineering. In Part II, Fukuyama turns to the heart of his argument. The political life of liberal democracies, he suggests, revolves around conceptions of human rights and dignity, and these conceptions in turn rest upon a tacit understanding of a stable and distinctive human nature. But Fukuyama warns that while it is possible to give an account of our nature consistent with contemporary science, unregulated biotechnology threatens to undermine this understanding. The defense of our humanity, and of a decent liberal politics, requires the regulation and control of biotechnology.

Fukuyama explores three possible bases—prudence, religion, and philosophy—for the regulation of genetic engineering. Prudential considerations based on uncertainty about consequences and about the balance of costs and benefits from genetic interventions should be given their due. If experience has taught us caution about intervening in the natural environment, then it is all the more necessary to be cautious when the arena of intervention is our own species. Sound policy, Fukuyama suggests, should be guided by a precautionary principle: Genetic modification of human beings should be presumed guilty until proven innocent, and those who propose a new intervention must discharge the burden of showing that its promise outweighs its peril.

† Farrar, Straus & Giroux. 272 pp. $25.00.

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BUT prudential arguments suffer from a key shortcoming: They do not address our deepest fears that biotechnology will cause us to "lose our humanity." It might seem that religion offers a more adequate answer to these fears (especially in the United States, the most religious of the Western democracies). Fukuyama sympathetically explores religion's claims but concludes that these will not be persuasive to those who reject its "starting premises." Of course, many religious believers will be tempted to retort that the starting premises of secular philosophers are just as open to question.

The deeper problem, insufficiently explored by Fukuyama, is that not all religions agree about the extent to which biotechnology should be controlled. While Catholicism and evangelical Protestantism share restrictive views on this matter, Judaism (including Jewish Orthodoxy, which makes common cause with Catholics and evangelicals on many other matters) is much more accommodating. Judaism accords a very high value to reproduction and healing, and less value to the moral status of nonimplanted pre-embryos. It also sets forth an activist vision of human beings as co-creators of the world. These basic features of the Jewish outlook lead it to embrace many applications of biotechnology. In addition, there are many mainstream and liberal Protestant denominations that do not accept the stance of the Catholic-evangelical entente. There is, then, no unitary or canonical "religious" teaching on which the public regulation of genetic engineering can be based.

This brings us to the third possibility—a conception of human nature arising from philosophical inquiry. Fukuyama argues for a conception of human nature based on the distribution of key traits within our species, and deftly defends it against objections based on statistical and cultural variation. He is somewhat less successful in rebutting what he regards as the key philosophical alternative to his view—namely, the Kantian thesis that our humanity inheres in our moral freedom rather than in our empirical nature. Fukuyama is right to suggest that hard-bitten materialists will be unable to accept Kant's dualism of human freedom and natural determination. But this fact does not settle the matter, because Kantian philosophy stands as a successful rebuke to dogmatic materialism. Fukuyama is on firmer ground when he argues that Kant is ultimately unable to decouple his account of moral rationality from an understanding of human purposes and ends that cannot but make reference to our empirical nature.

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Throughout his book, Fukuyama works to square his argument with the results of scientific inquiry. In this spirit, he scrupulously raises a science-based objection to his thesis about human nature: If the human race as it exists today is the product of an ongoing evolutionary process, then what is the moral significance of the particular point of that process that we happen to have reached now? If the real choice is not between a fixed and a changing human nature but rather between evolutionary change and change guided by human choice, what are the grounds for preferring the former? I am sympathetic to Fukuyama's claim that the values of liberal democracies reflect human nature, and that one thus cannot change the latter without undermining the former. But I do not see how this fact meets the broad challenge posed by evolutionary theory.

IN Part III of *Our Posthuman Future*, Fukuyama calls for a regulatory process based on the distinction between "therapy" and "enhancement." Some have argued that these two cannot be distinguished in theory or practice, but Fukuyama notes in response that our ideas of health and disease are more than mere social constructions. However, drawing the necessary lines between therapy and enhancement will not be easy and will require an independent regulatory agency with statutory authority over all biotechnology research and development, not just federal funding. (Such an authority already exists in Britain.) Biotechnology will require such oversight because, in Fukuyama's opinion, broad bans are too blunt an instrument for the control of future biotechnologies.

Fukuyama convincingly refutes the familiar argument that international scientific competition will make national regulation of science impossible. On the contrary: Effective international regulatory regimes do exist, and many of them originated in individual countries that were willing to take the lead. Whether or not one accepts Fukuyama's overall argument, his practical recommendations may well hold out the best prospect for promoting a reasonable balance between a rapidly evolving field of science and the moral views of the American people.

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Getting over the wall

ROBERT H. BORK

THIS year is the two hundredth anniversary of Thomas Jefferson's letter to the Danbury Baptist Association that asserted that the Constitution erected a "wall of separation between church and state." So profoundly has that metaphor affected American attitudes toward religious liberty and religion's dangers that most of us, including a majority of the Supreme Court, have forgotten that the "wall" is a constitutional myth without support in the words or actions of the Framers. Dissenting justices have pointed out that the First Congress, which proposed the First Amendment for ratification, also employed chaplains for the House, Senate, and armed forces, required that churches be built in the Northwest Territory, and called upon presidents to proclaim days of Thanksgiving to God (only Jefferson refused).

Justice David Souter, an enthusiastic separationist, argues that "those practices prove, at best, that the Framers simply did not share a common understanding of the Establishment Clause, and, at worst, that they, like other politicians, could raise constitutional ideals one day and turn their backs on them the next." That is no small accusation to level against the Framers, and it ought to be supported by very strong historical evidence. However, the evidence runs overwhelmingly the other way.

In *Separation of Church and State*,† Philip Hamburger, a legal historian at the University of Chicago Law School, demonstrates conclusively that separation of church and state was no part of the intention underlying the First Amendment's Establishment Clause, "Congress shall make no law respecting an establishment of religion." What the religious dissenters who heavily influenced the adoption of the Amendment wanted, and what the plain text of the Amendment gave them, was

† Harvard University Press. 560 pp. $49.95.

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simply the prohibition of an established national church. Separation was radically different from what early Americans considered the true meaning of religious liberty.

James Madison's role is instructive. In his 1785 "Memorial and Remonstrance," he argued that religion and government should have nothing to do with each other. But that was not the position he took in his drafting of the First Amendment. As Hamburger explains, "Madison reconciled himself to language less sweeping than that he had used in 1785, and Congress adopted a moderated version of the no-cognizance standard, which did not forbid all legislation respecting religion."

The evidence for strict separation comes down to little more than Jefferson's 1802 letter to the Danbury Baptist Association, containing his famous wall-of-separation rhetoric. The Baptist Association, consisting of some 26 churches in the Connecticut Valley, sought Jefferson's views on religious liberty, hoping to use his response in their efforts to end their state's establishment. But the Baptists did not publish or use the letter in any way, since separation was incompatible with their understanding of Christianity's importance.

IT was in fact not until 1840, when Protestants and Catholics in New York City clashed over the use of public school funds, that the idea of separation of church and state first attracted broad support and national attention. A second wave of separationist agitation began in the late nineteenth century, supported by Protestants, nativists, secularists, and anti-Christian secularists (known as "Liberals"). Opposed to all clerical hierarchies, all churches, and all religions—especially Christianity—the Liberals, as Hamburger points out, "insisted upon a purely secular version of separation that would segregate government not only from any one church but also, more broadly, from all distinct religions." Convinced that the Establishment Clause did not by itself completely separate church and state, these groups sought to amend the Constitution. They wanted to isolate or even prohibit Catholic parochial schools while the public schools continued to inculcate a generic Protestantism.

Only later, when their amendment efforts failed, did the separationists conveniently "discover" that the Establishment Clause already embodied the separation principle, and they turned to the courts to obtain what the democratic process had denied them. The story is one of intense and recurrent anti-Catholicism. When, in the 1928 presidential election, the

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Catholic Al Smith was soundly beaten, largely because of his religion, the joke went round that he sent a one-word telegram to the Pope: "Unpack."

The modern separationist myth, as Hamburger shows, leaps from Jefferson's 1802 letter to Justice Hugo Black's 1947 *Everson* opinion, which adopted the "wall" as a constitutional doctrine and omits "any discussion of nativist sentiment in America and, above all, omits any mention of the Ku Klux Klan," which helped lead the fight for separation. The myth also omits many details about Hugo Black, who was not only anti-Catholic but also a Klan leader, not the naive, young lawyer he later made himself out to be. It is impossible to read the separationist opinions of the Court from that time forward without recognizing what Chief Justice Rehnquist called a "bitter hostility" toward any government recognition of religion. As American society became increasingly secular and groups indifferent or actively hostile to religion grew in numbers, the antipathy toward Catholicism became a more general antipathy to all religion. Eventually, many Protestants realized, as Hamburger notes, that "they faced a greater threat from secularism and separation than from Catholicism." And indeed, Protestant and Jewish institutions and practices have since come under the increasingly antagonistic scrutiny of the courts.

SEPARATION is popularly taken to imply that clergy and religious organizations may not properly attempt to influence voters or governments. This view, most commonly directed by liberals against the Catholic church, contains considerable hypocrisy. Liberals enthusiastically welcomed the role of black churches during the civil-rights movement—a role that included political speeches from the pulpits—and castigated the Catholic church for its public opposition to abortion. Religious argument is thus reduced to politics, and judged according to one's partisan stance.

Though the Establishment Clause was intended to prevent government discrimination among religions, it is clear, Hamburger notes, that the separation doctrine of the Supreme Court cannot help but discriminate among religions. Those whose religion demands communal expression are disfavored, while those who prefer private individual religiosity are favored.

Although the privatization of religion by the courts further diminishes the role of religion in public life, the secular society desired by many on the left certainly does not lack in

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religious fervor. Hamburger notes, as others have, that the groups that most vigorously condemn church participation in politics simultaneously bring a religious passion to their egalitarian politics. This began with Jefferson's Republicans, and it persists today. "It surely is no coincidence," writes Hamburger,

> that many of the very groups that have sought to exclude churches from politics have pursued their political goals by appealing to religious passions and aspirations.... Perhaps the powerful emotions and desires associated with religion are unavoidable and, if not channeled through conventional religious institutions, are likely to find other outlets.... Yet it remains unclear whether powerful yearnings for purity and transcendence are less dangerous when focused on this world than on another.

HAMBURGER'S tone throughout this book is unfailingly moderate; he never overstates his evidence. Yet I wish he had taken a few pages to dissect the thoughtlessness of judges who assure us, with no better support then Jefferson's idiosyncratic views, that strict separation has always been the understanding of the First Amendment, as well as to illustrate the current madness, in which it is held to be a forbidden establishment of religion if a student is offended by hearing others say "under God" as part of the pledge of allegiance. The examples are endless—and mindless.

Hamburger does, however, rightly stress the fraudulent and unpleasant origins of the doctrine: "Precisely because of its history—both its lack of constitutional authority and its development in response to prejudice—the idea of separation should, at best, be viewed with suspicion." As constitutional doctrine, the myth should be viewed with contempt. *Separation of Church and State,* to the extent that law and public discourse retain any degree of intellectual integrity, should begin the process of changing our thinking and that of our magistrates. Whether or not this occurs, Hamburger has made a major contribution to historical scholarship.

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The indispensable innovator

IRWIN M. STELZER

IN his latest contribution to our understanding of how firms work in capitalist economies, Princeton economist William Baumol argues that innovation is the force behind the wealth of nations or, as he puts it, "the growth miracle of capitalism." He proudly points out that this claim puts him in agreement with Karl Marx and Friedrich Engels, who argued in 1847 that capitalism "cannot exist without constantly revolutionizing the instruments of production," and with Joseph Schumpeter who, one hundred years later, argued that competition from "new technology" is much more effective than price competition in producing economic growth. Yet if Baumol's *The Free-Market Innovation Machine*† is well worth reading for its sage observations about how firms operate in the real world and its solid technical analysis, the book's policy implications should earn it the label "handle with care."

Baumol says that the primary product of the capitalist economy is economic growth—growth at a rate so rapid it "defies comprehension." He estimates that per capita income in the leading capitalist economies has grown eight-fold in the last century, and asks us to imagine life without seven-eighths of our income in order to understand the massive contribution of the capitalist growth machine to our well-being. Other economic systems may produce a profusion of inventions, but only capitalism produces innovation in the Schumpeterian sense: recognizing opportunities for profitable change and doing whatever is necessary to adopt and market the economically viable innovations.

What's new in Baumol's analysis of the role of innovation is his contention that rapid technological change requires the "routinization of the innovation process that reduces the firm's dependence upon fortunate happenstance." Because firms are

† Princeton University Press. 318 pp. $35.00.

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under terrific pressure, not least from securities markets that demand a continuing stream of innovations, many firms "cannot risk reliance on the fortuitous appearance of new ideas." So innovation becomes "yet another humdrum activity of the firm."

BAUMOL is not so simplistic as to argue that capitalism produces perfect economic outcomes. Innovators cannot capture all of the benefits of their investments and risk-taking; they are sometimes tempted by the prospects of high returns to devote their energies to the creation of monopolies or even to illegal activities; and proprietors may be tempted to withhold technological information rather than license it. For all of these reasons, the rate of innovation, rapid as it is, is not as fast as it might otherwise be. Better intellectual-property protection might enable innovators to retain a larger portion of the benefits of their hard work, giving them a greater incentive to churn out new products. At the same time, such reforms might reduce the rate at which innovations are diffused.

Baumol recognizes this dilemma, but he does not see it as terribly significant, since "the market economy does have attributes that mitigate these problems." The principal such attribute is competition, which drives firms to innovate and ensures that the benefits are widely disseminated. In addition, Baumol argues that large, oligopolistic firms are the source of the most progress; that price competition is not as important as economists have in the past argued; that antitrust enforcement might unduly restrict cooperation among firms; and that entry into most markets is sufficiently easy that large incumbents are constrained from overcharging. But here we should be skeptical. The policy implications of these arguments would appear to be the relaxation of the antitrust enforcement policies that preserve competition and prevent oligopolists from stifling innovation and keeping the benefits of research from being passed on to consumers.

Let's start with the role of price. Baumol downplays its importance as a competitive weapon. He agrees with Schumpeter that once we recognize the role of quality competition, marketing, and most especially, competition from new products and technologies, "the price variable is ousted from its dominant position," to use Schumpeter's words. Baumol enthusiastically agrees that for large, high-tech firms, innovation has replaced price as "the primary instrument of competition."

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Well, perhaps. But it is not self-evident that the benefits of innovation would be passed on to consumers if price competition—fierce competition at that, such as we are seeing today in the computer and auto industries—were not a dominant force. Nor is it obvious that competition from potential entrants is sufficient to constrain the power of large oligopolies: Baumol's argument that most markets are "contestable" is surrounded by too many caveats to be persuasive. Besides, a market with characteristics of one that is otherwise open to entry, but that is dominated by a firm with a history of destroying newcomers through predatory tactics, will not attract capital or entrepreneurial talent.

Baumol believes that, in most cases, "it is easy for new enterprises to embark on innovative activities in competition with established firms." But to reach that conclusion, he ignores the full implications of his finding that "many managements ... simply cannot risk reliance on the fortuitous appearance of new ideas, often unpredictably contributed by outside sources." This is a good reason for managements to do whatever they can, not only to routinize their own procedures for producing innovations, but also to stifle the ability of new entrants to disrupt that routine.

BAUMOL'S view that large oligopolies are the instruments of progress also informs his resolution of the long-running dispute about the relative importance of small-scale, independent inventors and the research departments of large firms. He comes down decidedly in favor of the latter. Baumol concedes "that the innovation that constitutes the quantum leap will probably never become the predictable product of routine R&D, but may typically have to come from the offbeat efforts of the unpredictable, imaginative entrepreneur, independent and unorthodox—in short, the entrepreneur of legend." However, he quickly adds that the social benefits of initial innovations—those that come from "offbeat efforts" by "the unpredictable, imaginative entrepreneur"—are generally smaller than "those provided by the accumulation of subsequent incremental improvements, many of them not very exciting individually." In his view, the public owes more to "the dogged manager of R&D activities" than it does to "the inspired innovator."

Well, once again, perhaps. But that cannot mean that policies to prevent oligopolies from discouraging the inspired in-

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novator should be weakened. Or that policies to protect these innovators and those who fund them from retaliation should be loosened.

THERE is much to learn from Baumol's book. Yet we must not let the author's enthusiasm for routinized research by oligopolies lead us to underestimate the importance of preserving not only competition among those large firms but also competition from "the inspired innovator."

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A new feminism?

KAY S. HYMOWITZ

FEMINISM is a little like the local dowager who people say was a great beauty in her day, though to the young she seems only a cranky old lady. Only about a quarter of women are willing to call themselves feminists these days, and those who do often squirm uncomfortably under the label. Twenty- and thirty-somethings who were nurtured by "girl power" soccer parents, swim coaches, and math teachers to become successful career women are more concerned with finding time for the baby's pediatrician appointment than with listening to the old lady's history, which, to be honest, they find a little annoying in its self-regarding nostalgia.

Of course, the indifference of today's young women to the movement that did so much to shape their lives hardly means that the movement has lost its clout. Feminism continues to have friends in high places, especially in federal and local government bureaucracies. Just recently the National Women's Law Center released a study charging high school vocation and tech programs with "enduring sex discrimination." The fact that girls continue to study cosmetology and child care while boys learn plumbing and pipe-fitting, the report charges, is evidence of "biased counseling ... sexual harassment ... and other forms of discrimination." Can a Department of Education study, legal guidelines, state conferences, and perhaps even quotas for boy cosmetologists and girl plumbers be far behind?

Liberty for Women: Freedom and Feminism in the Twenty-First Century,† a volume of essays edited by Wendy McElroy and sponsored by the libertarian Independent Institute, attempts to steer the next generation away from this sort of tired meddling and toward a libertarian feminism more fitting for the new century. Certainly, the ideas espoused in *Liberty*

† Ivan R. Dee. 320 pp. $30.00.

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for Women, which McElroy has dubbed "ifeminism" or individualist feminism, have a more buoyant, contemporary feel than the jargon-bound and turgid movement the book sets out to challenge. In fact, the ifeminist—tough, independent-minded, and determined to be as comfortable with a dirty joke or a sidearm as a Texas cowboy—has more of a beef with the sisterhood than with the patriarchy. Where the organization-feminist continues to scan the landscape warily for evidence of sexism that requires government attention—look no further than the National Women's Law Center study—the ifeminist rejects the idea that she is a helpless victim of traditional norms, seeing barriers to her liberation primarily in the very government programs her sisters persist in cooking up. Where orthodox feminists view men as the adversary in their ongoing struggle for full equality, libertarian feminists are as likely to link arms with men in protest against their counterparts' excesses. And where mainstream feminism has become a de facto PAC for the Democratic party—remember the embarrassed silence of the feminist establishment over the Clinton sex scandals—the authors in this volume are too proudly independent to be any kind of party animal.

DESPITE the credentials of groups like National Women's Law Center and NOW, McElroy clearly wants to claim that it is she and her fellow libertarians who are the authentic heirs of the movement's original principles. Her introductory essay describes the history of individualist feminism, which she locates in the early decades of the nineteenth century, when women, many of them Quaker and most from New England, began to organize in the struggle against slavery. These female abolitionists came to understand that their own legal status bore some similarities to that of the slaves they were working to free, since both were lacking in "self-ownership." Female abolitionists like Lucretia Mott and Elizabeth Cady Stanton also learned the skills of political organization and public speaking. These they put to good use, especially after the Fourteenth and Fifteenth Amendments expanded the rights of black men but excluded women entirely. While black males were enfranchised, observed the understandably embittered Susan B. Anthony, women were "left outside with lunatics, idiots, and criminals."

McElroy shows how by the early twentieth century some feminists had expanded their vision of liberation into the personal realm, promoting birth control and sexual hygiene and

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defining forced sex within marriage as rape; others became anarchists and advocates of free love. She also finds examples of early feminists who embraced free-market principles and voluntary contract without government interference.

Yet in bringing to light this lesser known side of the early women's movement, McElroy understates the deep roots of the contemporary feminist establishment. She says nothing about the early feminists of the temperance movement, who believed that female compassion and moralism could bring about a more abstemious and virtuous society. These women are the ancestors of today's anti-date rape, sexual-harassment, and pornography activists. More significantly, she fails to grasp the influence of a democratic-socialist left on the second wave of feminists who took to the streets in the 1960s. As Daniel Horowitz has recently shown in his biography of Betty Friedan, the author of *The Feminine Mystique* began her career as a union activist. Many other second-wave leaders went into the movement set on pursuing not just equal rights but also government-planned social and economic justice.

THOUGH weak in its history, *Liberty for Women* does offer a much-needed critique of the tradition of centrally planned equality that continues to dominate the thinking both of contemporary academic feminists and in the major women's organizations. Cathy Young's essay "Groping Towards Sanity" is one of the best examples of this critique. Writing around the time of the Clinton sex scandals, Young shows how sexual-harassment law developed into an Orwellian monster inspired by the theories of Catharine MacKinnon. (If *Liberty for Women* could be said to have a villain, it would be MacKinnon, the brains behind a Canadian antipornography statute whose many unintended consequences are also detailed in this volume by ACLU president Nadine Strossen.)

Unperturbed by the irony that they were promoting laws that put more power in the hands of the very "patriarchy" they despised, feminists supported MacKinnon's idea of highjacking Title VII of the 1964 Civil Rights Act in order to define sexual harassment as a form of sex discrimination. No demonstrable economic or psychological harm nor quid-pro-quo threats were necessary for harassment to be found; "a discriminatorily abusive work environment," in the words of a 1993 Supreme Court decision, was enough. It took only a few years for the legal absurdities to pile up. Employees were fired and companies were sued for what might once have been seen as mere bad

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manners and stupid jokes, on account of the paternalistic judgment that, as a U.S. Department of Labor pamphlet put it, these might have the effect of "making it hard for [women] to work." Moreover, the law spawned an industry of gender specialists and human-resource busybodies who warned employees about the dangers of bringing flowers to a female co-worker or complimenting her dress. As Young points out, not only did the mushrooming sexual-harassment case law confirm the distinctly unliberated presumption that "vulgar talk and crude behavior are uniquely harmful or offensive to women," it also seemed to promote the idea that "sex ... equal[s] sexism."

THE contributors' skepticism about government regulation extends well beyond sexual harassment and antipornography law. Unlike orthodox feminists who tend to view Swedish socialism as the closest the human race has come to utopia, several of the contributors to *Liberty for Women* champion free markets. They argue that capitalism and the technology it has generated deserve much of the credit for liberating women, and that efforts to tinker with the market will inevitably limit rather than expand human freedom. In "The Case Against Comparable Worth," Ellen Frankel Paul shows how the feminist proposal for government to regulate purportedly discriminatory wage setting by employers is both unnecessary and wildly unrealistic. To function properly, the labor market must spontaneously adjust to shortages and changing demand in ways that justice-seeking experts, legislators, and bureaucrats could never plan.

Libertarians also make the case that, with their distrust of science and technology, feminists are partly responsible for the failure of younger women to enter into higher-status, higher-paying occupations. Camille Paglia observes in a short essay titled "Libertarian Feminism in the Twenty-First Century" that those who want women in positions of political power should tell young women to study less gender theory and more military history. If Paglia's article did not predate the current Bush administration, she would doubtless note the irony that women's organizations still pretend that National Security Council head Condoleeza Rice does not exist, though she is arguably one of the most powerful women this country has ever known—and an African American to boot.

Still, the truth is that libertarian feminists don't care all that much if women don't staff White House offices, CEO board rooms, and surgical theaters at the same rate as men.

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For more orthodox feminists like Susan Estrich, who recently addressed this subject in *Sex and Power*, this discrepancy is *prima facie* evidence of continuing discrimination against women. Not only should government help reshape the workplace to fit the needs of working mothers through mandatory paid maternity and paternity leaves, society should push men to become equal partners in the kitchen and nursery. In fact, several European countries have recently undertaken intensive public-relations campaigns to encourage men in this direction. For libertarian feminists, such social planning is tantamount to state force and unfreedom. Individuals "have complex visions of themselves and of what actions or states of affairs serve their self-interest," argues Richard A. Epstein in his essay "Liberty and Feminism." If women don't work full-time or reach the same career heights as men, it's because they have other things on their minds. "To me it seems obvious that equal opportunities will always yield unequal results," he writes. Trying to get individuals to conform to some state-defined model of equal behavior doesn't solve injustice; it creates it.

YET Epstein's argument, whether one agrees with it or not, unwittingly raises the question of what exactly "ifeminism" has to offer the next generation. Outside of abortion—about which libertarians agree to disagree—the only causes likely to make today's elite young women take to the streets are those that would help them resolve the contradictions between the career ambitions feminism has released in them and the traditional longings for husbands and children they continue to have. This is the difficult stuff of their daily lives. Libertarians would argue that neither government nor society can do much to solve these contradictions, and they may be correct. But there's reason to believe that many women will not see it that way. Epstein alludes to a study showing that women are more likely than men to support large government programs. At any rate, the libertarian answer is unlikely to be of much solace to someone like the thirtyish editor at a major news magazine I interviewed recently, who spends "every minute of the day" trying to figure out how she can have a baby and still pursue her impressive career.

Women like this magazine editor are unlikely to flee into the arms of "ifeminism" for still another reason. Feminism's great mistake was to undervalue women's traditional aspirations in favor of single-minded careerism and a utopian vision of "gender justice." But libertarian feminists also deny those

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ordinary aspirations in their reluctance to acknowledge that freedom alone cannot answer—indeed it sometimes magnifies—many of the problems of the social order in which women have always felt a special stake.

The most passionate essays in *Liberty for Women* seem to come from an alternate universe to the one inhabited by the vast majority of women, who are trying to find good husbands and raise decent children in a culture where the Playboy Channel seems more of a menace to their well-being than Catharine MacKinnon. There is a bitter rant by "third waver" Janis Cortese, who describes herself as "an erotica-writing, handgun-owning, bisexual dominant woman with an MS in physics" condemning the feminist animus against guns and pornography. Norma Jean Almodovar, an ex-call girl and prostitution-rights activist, writes about "women's lives being destroyed" by laws criminalizing prostitution. And in an argument only an intellectual could believe, the philosopher Martha Nussbaum adds that a prostitute is really not so different from a factory worker, a nightclub singer, or even a philosophy professor, all of whom also take money "for bodily services."

THERE may be thousands of women who would agree that the Second Amendment has been unjustly eroded, that censorship poses dangers to a free society, and that laws prohibiting prostitution do more harm than good. But that does not mean that many would agree that, in McElroy's words, "pornography and prostitution are merely choices." *Liberty for Women* offers a useful critique of the unintended consequences of the centralized planning embraced by NOW and women's studies departments, but in the end it is more a symptom of than a cure for an aphasic movement that no longer knows how to talk to its potential followers.

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Capital punishment in America

NELSON LUND

NOTWITHSTANDING its somber subject matter, Stuart Banner's *The Death Penalty: An American History*† is a joy to read. Besides being lucid and informative, Banner is almost preternaturally even handed in his presentation of the arguments that have been offered for and against the death penalty. Despite the book's many virtues, however, it is unlikely to offer a significant contribution to our contemporary policy debates.

Simplifying Banner's story, one can divide the history of American capital punishment into three main phases. From the earliest colonial times until the late eighteenth century, executions were rare, spectacular, and utterly noncontroversial. The sentence of death was imposed for a wide range of crimes—including such infractions as burglary, adultery, and counterfeiting—but executions were seldom conducted. As alternative punishments for these crimes were apparently not common either, the death penalty must have been an effective deterrent, or other factors must have prevented crime from getting out of control. Presumably because of inadequate data, Banner does not explore this question. In any event, the executions that did occur were typically attended by large and solemn crowds that witnessed a religious and political ritual designed to awe the audience and confirm the community's condemnation of crime. There is apparently no evidence of any principled opposition to capital punishment during this period.

In the late eighteenth century, controversy began to arise. The invention of prisons provided an alternative means of incapacitating dangerous criminals. Perhaps more important, the spread of ideas associated with the Enlightenment offered a challenge and an alternative to more traditional beliefs about

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morality and justice. With respect to capital punishment, the debate between these alternatives crystallized quickly, and nothing very significant has been added to it since. For almost two centuries, the debate has gone back and forth, and the use of capital punishment has gone up and down. The range of crimes for which death was authorized declined; juries varied in their willingness to impose capital punishment; governors frequently commuted a significant fraction of death sentences; and some states abolished the practice completely. But a genuine consensus in favor of abolition never developed, and some states that did away with capital punishment subsequently brought it back.

Although there had been fluctuations in its use and popularity, capital punishment may really have looked like a relic by the late 1960s. The practice had been abolished in 14 states (the most ever), and national opinion polls showed only a small plurality in favor of retaining it. In any event, executions had stopped. In 1960, 56 people were put to death. That number dropped to seven in 1965 and to zero in 1968.

In 1972, the U.S. Supreme Court inaugurated the third chapter in the story. In a sharply divided and confused decision, the Court invalidated all existing death penalty statutes, though without declaring the practice unconstitutional *per se*. This was followed by an extraordinary revival of enthusiasm for capital punishment, the enactment of new statutes, and an enormous increase in executions. By the end of the twentieth century, 38 states plus the federal government authorized capital punishment, some 600 executions had been carried out in the previous two decades, and death row contained over 3,000 people.

THE principal arguments for and against the death penalty have changed little. As most people know, the practice can be thought to serve at least three purposes: incapacitation, deterrence, and retribution. The debate revolves around the propriety of the last purpose and around the efficacy of capital punishment in serving the second purpose.

Incapacitation is the least controversial issue. Execution incapacitates criminals perfectly. Prison also incapacitates them, but imperfectly: The prisoner may be released or escape, and in any event may continue to commit serious crimes, including the murder of guards or fellow inmates. However, such behavior can be reduced to low levels through measures such as abolishing parole and constructing expensive, high-security fa-

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cilities for the most dangerous criminals.

Deterrence is generally thought to be a permissible purpose for punishing criminals, but nobody knows whether our current use of the death penalty in fact deters crime more effectively than imprisonment. There are good reasons to believe that the death penalty's relative deterrent effect might vary considerably depending on the frequency, certainty, and consistency with which it is imposed, the range of crimes to which it is applicable, the nature of the imprisonment scheme with which it is compared, and even the amount of public spectacle with which executions are conducted. As Banner notes, empirical studies of our current practices have generated mixed results. I believe that the evidence of a deterrent effect is stronger than Banner allows. But even if there is no demonstrably strong advantage for capital punishment, that could be the result of it not being used often or consistently enough.

Few people doubt that executing criminals serves the purpose of retribution, but many believe that retribution itself is wrong. The root of the controversy lies in different opinions about human nature. Some maintain that evil deeds are freely chosen, and that retribution is a form of justice. Others hold that this freedom of choice is an illusion because the actions we take—or at least the crimes we commit—result from forces outside our control, making retribution inappropriate. The questions underlying this dispute have puzzled the greatest minds of the West since the dawn of philosophy, and there are no absolutely compelling arguments that those on one side can use to persuade those on the other. The result, in modern America, has been a persistent division of interested opinion into sharply opposed camps, each passionately committed to a position that the other finds repugnant. Neither wins, and nobody surrenders.

Thus the debates about deterrence and retribution are unlikely to be resolved in a way that eliminates significant dissent. Banner recognizes this, and he does not believe that his careful history of capital punishment will allow him to make predictions about its future in this country. Nor does he try to use his historical knowledge to promote one view or the other about whether we *should* retain this ancient institution. He does note that we have become an anomaly among the nations to which we are culturally most akin, and that on this issue we are oddly aligned with such countries as Communist China, Iraq, and the Congo (the only regimes that executed more people than we did during one recent survey period). Even

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here, however, Banner faithfully tells another side to the story. Opinion polls in several Western nations that have abolished the death penalty show extremely strong support for capital punishment, which suggests that these countries are not more "ethically advanced" than we are, just less democratic.

ALTHOUGH Banner expresses no opinion on the general moral and policy issues surrounding the death penalty, he does take a position on two subsidiary questions. First, he observes that the death penalty has always been used more vigorously in the American South than in the North. During and after the slave era, moreover, it was used to reinforce the political subordination of the black population. Banner rightly treats the purpose and effect of this discrimination as indefensible. But today such racial discrimination appears to be over. There is little evidence that black murderers are more likely than similarly situated whites to be executed, and some studies have even suggested the opposite. It does appear that the uncoordinated actions of prosecutors and juries have made it more likely that capital punishment will be imposed for murdering a white than a black individual. But does that mean we should execute more people whose victims were black? Because whites seldom murder blacks, almost all of the increase would be at the expense of black defendants. Whatever is causing the apparent disparities, the current pattern is not a continuation of Jim Crow discrimination, and nobody advocates the creation of racial quotas that would require executing more black murderers.

Banner also declares indefensible the Supreme Court's jurisprudence on the subject of the death penalty. Coming from someone so scrupulously impartial, this is a telling indictment.

In 1972, the Court voted five to four to invalidate all existing death-penalty statutes under the Eighth Amendment, but the five in the majority gave different reasons, none of which actually had anything to do with the Constitution. The technical holding seemed to be based on the rarity and unpredictability with which death sentences were applied. When state governments attempted to reinstate capital punishment by complying with the Court's pronouncements, the Justices began flitting between two competing goals: sometimes demanding that like cases be treated alike, which requires restrictions on juries' discretion, and sometimes demanding that the unique features of each case be respected, which requires that restrictions on juries' discretion be removed. After three decades of judicial

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improvisation, we now have a muddled and complex set of precedents that grows more befogged every year. The result is an extremely expensive and time-consuming litigation system whose outcomes are at least as haphazard as they were before the Court intervened. Banner rightly concludes that this has served scarcely any purpose at all.

The Justices must all know this, and none of them could be satisfied with what they've wrought. But neither is there much reason to expect significant change. The obvious principled alternatives would be to adhere strictly to the Constitution or to ignore the Constitution completely and abolish the death penalty outright. Either choice would upset a lot of precedent, and the resulting political brouhaha would impose costs on the Court that its current members are apparently not willing to incur.

THE rest of us, and the elected officials who represent us, have seen our range of choices narrowed but not eliminated by the Court's meandering course. Until the Court acts more decisively than it has, we must continue to rely upon our moral principles and our intuitions about the deterrent effects of capital punishment. If we imagine that history will uncover some handy way to escape that necessity, Banner's book should disabuse us of such wishful thinking.

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CORRECTION: David L. Kirp, co-author of "Mr. Jefferson's University Breaks Up," issue No. 148, should have been identified as a professor at the Goldman School of Public Policy, University of California at Berkeley. He is currently writing a book on the money ethic in higher education.

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